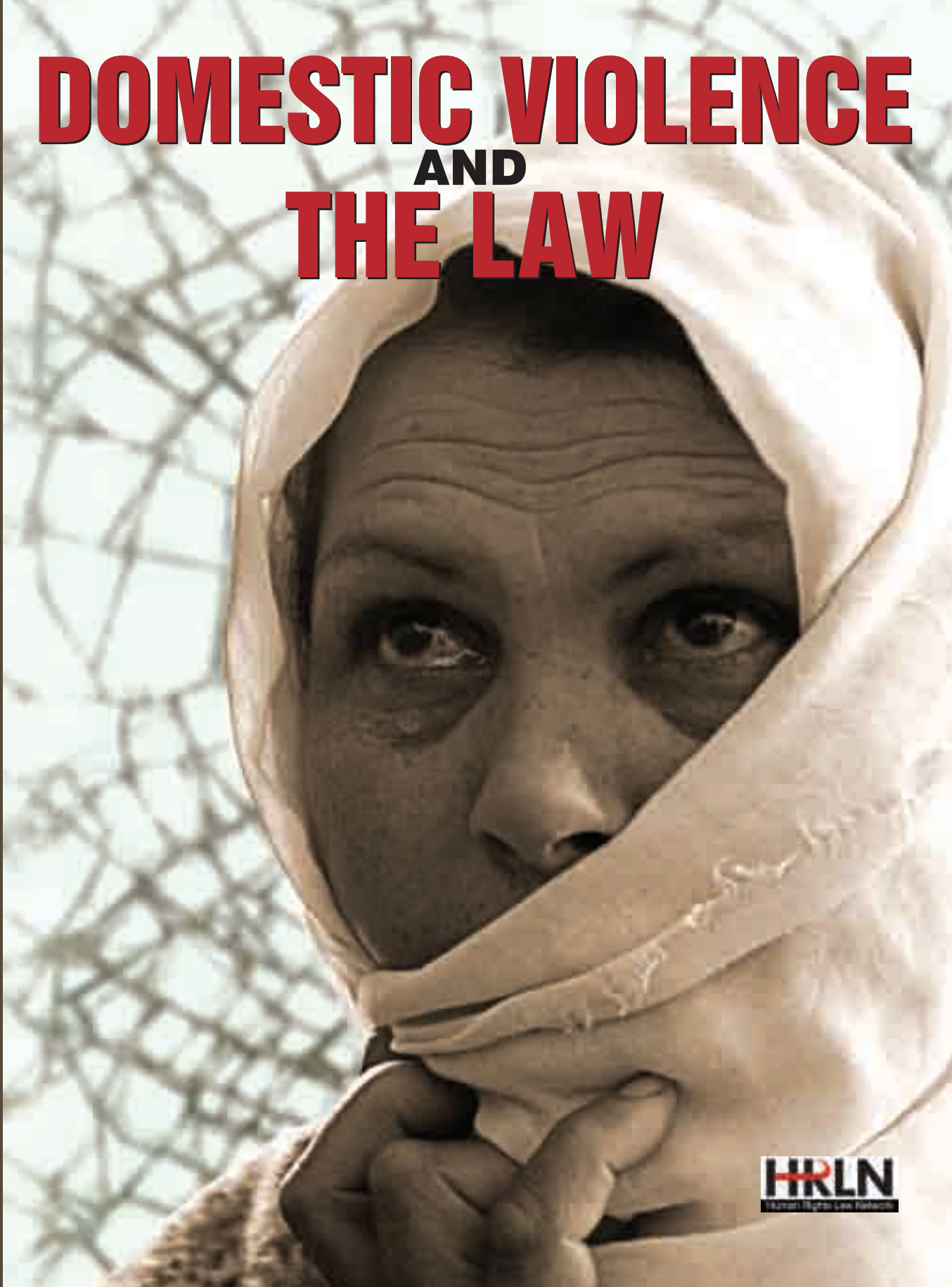


# DOMESTIC VIOLENCE AND THE LAW



# **domestic violence and the law**



**human rights law network  
india**

# human rights law network vision

- To protect fundamental human rights, increase access to basic resources for the marginalised communities, and eliminate discrimination.
- To create a justice delivery system that is accessible, accountable, transparent, efficient and affordable, and works for the underprivileged. Raise the level of *pro bono* legal expertise for the poor to make the work uniformly competent as well as compassionate.
- Professionally train a new generation of public interest lawyers and paralegals who are comfortable in the world of law as well as in social movements, and who learn from social movements to refine legal concepts and strategies.

## Domestic Violence and the Law

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— Women Justice Initiative  
HRLN

# **preface**

**T**he Protection of Women Against Domestic Violence Act, 2005 came into force on October 17, 2006. This is a landmark legislation as for the first time it specifically recognises and gives a statutory definition to the domestic violence. The domestic violence further recognises it as a serious problem and attempts to take action on this grave issue. It is not that the issue of violence was not being addressed earlier and that the penal provisions did not provide for addressing the issue of violence. But one has to accept the fact that when the issue is linked to that of violence happening within the family, there is an inherent reluctance on the part of the society in general to intervene. The reason attributed to this propensity is the fact that it is within the boundaries of family and, therefore, third party intervention is not warranted. The sanctity of family needs to be protected and interference by a third party will defile the sanctity. It is only in extreme cases of physical violence leading to death or severe disability in the nature of acid burning and burn injury that the outraged society feels justified in taking action. The violence on account of dowry demand is an understood fact but reluctance on the part of the enforcing authorities to take action as they fear that the consequent action would result in the collapse of family unit.

Initially, the only avenues available were the matrimonial proceedings in the court which would invariably meant divorce on fault grounds but no means to address the issue. The remedies to domestic violence would invariably be divorce or maintenance in the civil realm or penal proceedings under the criminal realm. It was only on account of the strong campaign by the women's groups that amendments were introduced in the Indian Penal code namely introduction of sections 498 A of IPC and Section 304 B. It was further to create a gender sensitive environment and avoid the limitative advocacy in matrimonial issues that the family court was established with a specified objective in bringing about reconciliation and settlement in family issues. The objective of the establishment of the family court itself was reconciliation and settlement. However, it seemed woefully inadequate to address the complexities arising out of the issue of violence. Now, with the new Act, there seems to be some hope for the victim women.

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# introduction to the issue of domestic violence

**V**iolence against women has been defined in Article-1 of the Declaration on Elimination of Violence Against Women as any 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. It specifically made a distinction between violence made in the private sphere which would constitute domestic violence and the public sphere.

The reality that systematic denial of rights starts within the natal family is reflected from the fact that from the beginning itself a number of choices available to women are curtailed on account of being a girl or a woman be it in education, movement/travel, marriage, etc. The girl child has to adhere to the norms laid down by the society which are governed by the patriarchal systems controlling the minds of the people. This has been the thread of thinking in the international documents relating to the issue of violence against women.

The declaration categorically recognised that violence against women is a manifestation of historically unequal power relations which have led to the domination over and the discrimination against women by men. The prevention of the full advancement of women and that violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men.

Domestic violence can be defined in general as a violence which happens in the domestic Sphere. *Domestic* as defined in the Oxford Dictionary means relating to family consequently any violence within the family would constitute domestic violence. Violence in the domestic sphere is usually understood to be perpetrated by males who are or have been in positions of trust and intimacy and power namely husbands, boyfriends, fathers and fathers-in-law, stepfathers, brothers, uncles, sons or other relatives. Domestic violence in most cases is perpetrated against women.

During childhood, violence against girls may include enforced malnutrition, lack of access to medical care and education, incest, early marriage, etc. Other forms of violence against women include forced pregnancy, abortion or sterilisation and harmful traditional practice such as dowry related violence, and killings in the name of honour and in later life widows and elderly women may also experience abuse.



While the impact of physical abuse may be more visible than psychological scarring, repeated humiliation and insults, forced isolation, limitations on social mobility, constant threats of violence and injury and denial of economic resources are more subtle and insidious forms of violence. The intangible nature of domestic abuse makes it harder to define and report leaving the woman in a situation where she is often made to feel emotionally delicate and powerless.

The impact of the human rights campaign at the Vienna conference was significant consequent to which the declaration of the conference reiterated that the *human rights of women and of the girl child are an inalienable and indivisible part of universal human rights*. The declaration also said that the gender based violence and all forms of sexual harassment, exploitation and trafficking are incompatible with the dignity and worth of the human person and must be eliminated. The programme of action adopted at the conference stressed the importance of working towards the elimination of violence against women in public and private life, the elimination of all forms of sexual harassment, exploitation and trafficking in women, the elimination of gender bias in the administration of justice and the eradication of any conflict which may arise between the rights of women and the harmful effects of certain traditional or customary practices, cultural prejudices and religious extremism.

## **The impact of the legal system**

The need to understand the pervasive impact of the division between private and public on women lives becomes all the more significant when one considers that the modern State at many levels is seen to stand outside the private sphere. Perpetuating the myth of non-intervention of the State into private matters into what takes place into the family, within the four walls of the house and within the community has an often devastating effect on the capacity to demand justice from the State and from the legal system, the state espouses. Yet in reality, the State intervenes in the so-called private lives of its citizens, especially women in a number of pervasive ways. Laws that regulate marriage and divorce, abortion and contraception, policies that regulate allocation of childcare or maternity benefits, laws that criminalise prostitution and demand that women prove that they have been raped and above all the validation of legal interpretations of the sex and the gender-based division of labour within the home and within the workplace are all examples of State regulation and intervention in the private sphere.

While marital rape, incest and forced prostitution are among the most insidious of domestic crimes against women, the physical sexual and emotional abuse of women by their intimates is perhaps the most common and widespread.

In the past legal mechanism related to domestic violence were shaped by concerns regarding respect for privacy and the integrity of the family unit. In most cases, the legal framework focuses on reacting to the event after it has occurred rather than on prevention. While this may be due to the fact that any systematic form of prevention of violence against women needs to consider structural changes within any key social institution as an imperative and essential part of this preventive approach, the need to link processes of legal reform aimed at investigation punishment and redress to processes of social and ideological transformation aimed at enabling women to live with dignity and respect as full human beings at all times be at the forefront of intervention and activism.

The mechanisms of legal intervention which can be identified while dealing with domestic violence are as follows:

## **1. Criminal remedies**

It addressed the issue of physical abuse. There are general laws in cases of assault, battery, grievous hurt, manslaughter and murder among others, the penal code provides remedies for women and children and the same can be called for in cases of domestic violence. However, existing social attitudes regarding the sanctity of family could often be seen as an obstacle in pursuing criminal proceedings including the reluctances of the law enforcement agencies and judicial officers to move on this track. In addition, there may be evidentiary obstacles such as demand for independent witnesses which may stand in the way of a woman victim of domestic abuse seeking redress through criminal law.

## **2. Civil remedies**

Protection or restraining order which generally prevents any contact between the victim and the perpetrator and provides the police with a mechanism for arrest if any further violence occurs. Tort remedies that provide financial compensation for civil wrongs may also be drawn on to provide victims and survivors of violence with reparation for their abuse.

## **3. Matrimonial relief**

This is resorted to while dealing with issues relating to separation by way of divorce or other matrimonial issues namely custody and maintenance. These by itself do not serve as a remedy. They tend to have a consequential feature i.e. it serves as ground for attaining those reliefs of divorce, maintenance and custody. Since this involves a possible breakage in the family unit the issue again is not addressed.

All the above mechanisms have their inherent weaknesses and considering that all of them exist within their frameworks that have been built on pre-existing gender based perceptions of women's roles and status in society, one must become aware that at present the available avenues for remedial action by women survivors of domestic violence are quite limited. A further consideration must be the awareness that women who are often economically and emotionally dependent on their abusers due to social attitudes and processes of socialisation are ill-equipped to pursue prosecution or protection of their rights.

In 1996 the UN special rapporteur on violence against women, Radhika Coomaraswamy, submitted a report focussing on domestic violence to the commission on human rights. In her report, she put forth her arguments for a special legislation against domestic violence at the national level by basing it on the principle of due diligence. This is grounded on the basis that a State can be considered to be complicit, where it fails systematically to provide protection from private actors who deprive any person of his/her human rights.

According to her arguments complicity must be demonstrated by establishing that the State condones a pattern of abuse through pervasive non-action. In 1992, the CEDAW had also taken up the issue of due diligence in its general recommendation No.19 on VAW commenting that State-parties to the UN convention on the elimination of all forms of discrimination against women may also be responsible for private acts if they fail to act with due diligence to prevent violations of rights or to investigate and punish acts of violence and for providing compensation.

In addition, bringing domestic violence to the level of human rights concern would also imply that a range of International standards can be held up as requiring adherence for example the right not to be subjected to torture or to cruel inhuman or degrading treatment or punishment.

## legislation on domestic violence

**I**t is in this context that the newly domestic violence legislation seeks to create an impact by providing a simple and easy manner of approaching the issues relating to domestic violence. The domestic violence legislation has for the first time specifically recognised domestic violence as an issue. It has provided for a system which is women friendly, making it accessible to victim of domestic violence. One would wonder why such a consideration is required for a victim of domestic violence. The answer is very clear. A formal system would make it unapproachable with its features demanding an adversarial litigation. What the act seeks to do is to provide for alternate systems which would make it easier for the victim an atmosphere of safety and security. It provides for system of protection officers who stand as the *via media* between the system and the victim. The protection officer is supposed to be approachable to ensure that the victim gets timely and immediate relief. He/she is supposed to act as a friend and well wisher for the victim and take the appropriate steps which will assuage the problems of the victim.

The Act clearly lays down what constitutes domestic violence. Incorporating within its ambit a broad range of physical, emotional and sexual abuses. What is significant is the fact that emotional and sexual abuses have been recognised as happening and how they adversely affect the victim concerned. There is a clear demarcation of powers of the protection officer, service provider and magistrate who are the key instruments in dealing with the issue.

The role of the protection officer is a key one and the effective functioning of the Act, to a large extent, is dependent on him/her. Once the protection officer is notified in each area, as prescribed by the government, he /she becomes the nodal person to receive complaints of domestic violence through any means namely by telephone, email, fax, by the victim herself, or through a third party who has come to know of the violence.

The Act has given a number of women facing domestic violence supposedly a remedy which is the least intrusive. It has also reduced the procedural formalities making it easier for the aggrieved person, the woman herein, to approach the system.

The definition of domestic violence is historic because it has incorporated the physical /emotional and sexual violence. Judicial decisions which had earlier expanded the definitions of cruelty to include physical and emotional violence has now got a legislative backing.

Some of the unique concepts which have been brought into existence are the office of the protection officer. The concept of, shared household is pathbreaking as it recognises the fact that given the cultural scenario it is rarely that the house in which the people have been living in a domestic relationship would be in the name of the aggrieved person or the victim. It may also be in the name of the respondent as they could be living in a joint family.

The concept of a domestic incident report is a unique feature of the legislation which assists the judicial officer in obtaining a neutral and impartial report while making a protection order. The protection officer who is preparing the domestic incident report would be an officer of the court and he is bound to the principles of neutrality and fairness while reporting on the domestic incident. The domestic incident report could act as an independent neutral report which would reduce the excessive reliance on strict rules of evidence considering the reluctance of the witnesses to make a statement.

The concept of protection order is another unique feature in this Act as the protection order is extended to all forms of domestic violence and also to any other exigent circumstances which may occur. The protection officer is under the superintendence (the control and supervision) of the magistrate [S 9(2)].

The Act as we know has been divided into five chapters in the following manner:

Chapter I	Definitions
Chapter II	Scope of domestic violence
Chapter III	Powers and duties of authorities/agencies
Chapter IV	Procedure for obtaining relief's and the nature of remedies available
Chapter V	Penalties, the nature of offence and the status of the protection officers and service providers.

The implementation of the Act requires the appointment of protection officers and service providers, whose powers and duties and spelt out in chapter three. The Protection officer is appointed in each district and notified his/her areas of duty by the state government. This includes the following:

- a) to make a domestic incident report
- b) to make an application to the magistrate
- c) to ensure that legal aid is provided

- d) to give a list of service provider
- e) to accommodate the victim in a shelter home to take the necessary steps towards initiating criminal proceedings
- f) to ensure that medical examination is undertaken at the earliest and report forwarded to the magistrate in the event of the victim suffering any injuries
- g) To ensure that if there is any order of monetary relief it is executed

It is to be noted that the protection officer is directly under the control and supervision of the magistrate.

The service providers envisaged in the Act could be any voluntary organisation/ NGO/company that has been established with the objective of protecting the rights of women through lawful means which include legal/medical /financial aid, the criteria being that they should be registered with the state government.

A service provider is also empowered too ensure the following:

- a) Make a domestic incident report and forward the same to the magistrate
- b) Ensure medical assistance to the victim and forward the report to the local police station
- c) Arrange for accommodation in a shelter home and forward the report to the local police station for initiating proceedings

Chapter four deals extensively with the procedures for obtaining the appropriate remedies.

The magistrate's powers can be detailed as under:

- a) An application may be made to the judicial first class magistrate by the aggrieved person /protection officer or any person on behalf of the magistrate
- b) While passing the order, the domestic incident report of the protection officer, service provider shall be considered
- c) An order on monetary relief can be passed which is independent of the victims right to approach any other body for compensation for damages and injuries caused
- d) It is further prescribed that the application has to be taken up within three days and disposed of within 60 days

It is also stipulated that the notice should be served within two days to the respondents once the proceeding is initiated and the protection officer on duty is to ensure it is served. There is a provision for counselling and assistance by a welfare expert if the magistrate feels it is required. There is a provision for camera proceedings if the magistrate feels it is required.

An important and unique feature of this Act is the right to residence. Therefore, the victim will have the right to reside therein. She shall not be evicted or excluded by the abuse in any case except in accordance with the procedure established by law.

Remedies available to the aggrieved person can be classified as protection orders; residence orders monetary reliefs and compensation orders.

Protection orders as envisaged under the Act involve prohibition of committing any act of domestic violence. If the aggrieved person is employed, restraining the abuser entering the place of employment. In the case of a child, the order could be passed from preventing the abuser from entering the school premises. Also restraining the alienation of assets whether owned jointly/singly including operation of bank accounts and bank lockers. Protection orders can also be extended to the relatives or any person who helps the aggrieved person.

Residence orders as envisaged under the Act include a restraining order of eviction/dispossession of the aggrieved person from the shared household. An important aspect here is that the abuser can be asked to remove himself from the shared household. An important aspect her abuser can be asked to remove himself from the shared household. It also prescribes a restraining order on the alienation of the respondent's right/renunciation of his obligations in the shared household. It also prescribes a restraining order on the alienation of the respondents rights/renunciation of obligations in the shared household. In the event that the aggrieved person has to be relocated the obligation is cast on the respondent to secure the similar type of alternate accommodation to which she has been accustomed.

The police officer in charge may be directed to implement the order passed by the magistrate and the protection officer on whom the duty is cast has to ensure the same is served on the respondent. Further, the Act empowers the magistrate to impose additional conditions and pass any other appropriate direction in order to protect the safety of the aggrieved person. The abuser can be asked to execute a bond for the prevention of domestic violence.

The monetary relief may be necessitated on account of the loss of hearing medical expenses incurred/loss on account of destruction/damage/removal of property. From the control of the aggrieved person. While disposing of the application, the magistrate can direct that a sum of ether monthly/lump sum as per the accustomed standard of living of the aggrieved person to be paid to her. If there is a default by the respondent, the employer or debtor of the respondent can be directed to pay the aggrieved person a portion of the aggrieved person a portion of the wage /salary or debts due or accrued to the respondent.

The Act also envisages the granting of temporary custody of child/children or in an alternative case necessary access for arrangements favourable to the aggrieved person can be worked out. Compensation or damages can also be ordered for the injuries including mental torture and emotional distress. The magistrate also has the right to grant interim and *ex-parte* orders. The Act provides that any relief under section 18 to section 24 of the Act might also be sought for in any legal proceeding before a civil court family court or a criminal court. The jurisdiction in this case has been cast on the judicial first class magistrates.

Penalty in the event of any breach of order of the magistrate is punishable with imprisonment extending to one year or a fine amounting to Rs. 20,000. The offence under this Act is cognisable and non-bailable.

In conclusion, it would be appropriate to say that the Protection of Women from Domestic Violence Act, 2005 is a path-breaking step, which recognises the gravity of domestic violence and attempts to understand the issue in a social context and addresses it in order to offer justice and relief to victims of domestic violence.





## recent judgements

### 1. Kerala Law Times

**Sulochana V. Kuttappan [2007(2) KLT 1]**

#### **Facts:**

The petitioners- mother and child filed an application under S. 12 of the Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to as the Act) with the learned Magistrate. Consequently an *ex parte* interim order was passed directing the 1<sup>st</sup> respondent/ husband to allow the petitioners to reside in his house and restraining him from causing any disturbance to the peaceful residence of the petitioners in that house. The respondents thereupon rushed to the Sessions Court and the Sessions Court granted an interim stay. It has been contended by the counsel for the petitioners that no appeal under S. 29 is at all maintainable against an *ex parte* order passed under S. 23.

#### **Procedural History:**

The case 1<sup>st</sup> went to the Court of the Learned Magistrate where an *ex parte* interim order was passed. Challenging this order an appeal was filed in the Sessions Court.

#### **Issues Raised:**

Whether an appeal under S. 29 of the Protection of Women from Domestic Violence Act, 2005 against an *ex parte* interim order passed under S. 23 of the Act maintainable?

#### **Judgement:**

- S. 29 says that an appeal is maintainable against "the order". Giving importance to the definite article "the" used before "order", the Court came to the conclusion that all orders referred to earlier in Chapter 4 of the statute must be held to fall within the sweep of expression "the order". The Court further said that "the order" must take within its sweep all orders passed under Ss. 18 to 23 and that it could not find any reason to exclude an order passed under S. 23 from the sweep of the expression "the order" in S. 29.

- Purely interlocutory orders which deal only with procedure and which do not affect the rights of parties will certainly not fall within the sweep of the expression “the order” in S. 29. The order has to affect or have a material reflection on the rights of parties in order that such orders would be appealable.
- An interim protection order, an interim residence order, an interim monetary order, an interim custody order or an interim compensation order under Ss. 18 to 22 will also substantially affect the rights of parties, at least till such orders are altered or modified, and thus they are also appealable.
- The Court should be liberal while ascertaining the width and amplitude of the expression “the order” in S. 29.
- Only in an appropriate case need the powers under S. 2 be invoked. A Court considering the entertainment of an appeal under S. 29 must keep in mind that such a course / remedy is available to the aggrieved person and as a reasonably prudent person, a Court will look for answers as to why without and before exhausting that remedy resort is made to the provisions under S. 29 to prefer an appeal.
- There is a great responsibility on the Magistrate while considering grant of interim *ex parte* orders under S. 23.

## 2. Kerala Law Times

### Chitrangathan V. Seema [2007(4) KLT 424]

#### Issues Raised:

Whether a revision petition under S. 397 read with S. 401 Cr. P. C is maintainable when an order has been passed under the Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to as the Act)?

#### Judgement:

- The right to appeal under S. 29 of the Act is not hedged is by any statutory restrictions wither expressly or by necessary implication. The impugned order is clearly appealable under S. 29 of the Act and if so, the revision is incompetent and the remedy of the revision petitioner is to challenge the impugned order by filing an appeal under S. 29 of the Act. The Court further went on to say that since the impugned order is appealable, the revision will not be maintainable.
- The expression “aggrieved person” in S. 29 of the Act is wide enough not only to take in the parties to the application but also a protection officer or a person who has moved the Magistrate on behalf of the aggrieved person.
- Every woman in a “domestic relationship” has right to reside in the “shared household” whether or not she has any right, title or beneficial interest in the same.
- Even though S. 29 does not mention about any power to condone the delay, since the appeal is provided to the Court of Session, it goes without saying that in case the revision petitioner prefers an appeal against the impugned order, he can seek condonation of the delay by invoking the provisions of the Limitation Act, 1963.

### 3. Kerala High Court

#### **K. E. Jose V. State & Anr. 2007(2)ILR 132**

The petitioner is the respondent in an application filed under S. 12 of the Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to as the Act) before the Magistrate Court. The Magistrate passed an interim order under S. 23 of the Act on 14/03/2007. On 15/03/2007 the writ petition was filed contending that copy of the order was not furnished to him as mandated in S. 24 of the Act.

It was held that S. 24 of the Act intends to “usher in a new and different procedure and culture of furnishing copies of the orders passed by the Court”. The Court laid down that the burden was on the learned Magistrate to ensure that the copy is furnished to the parties as well as others specified in S. 24. The learned Magistrate must certainly ensure that the copies are also prepared and are ready to be furnished to the persons concerned including the adversary in the litigation before the order is pronounced”.

### 4. Kerala High Court

#### **Chandrashekhara Pillai V. Valsala Chandran [I (2008) DMC 83]**

##### **Facts:**

Petitioner and the respondent got married, but later on started having problems in their marriage and lived separately. The petitioner, wife, approached the Magistrate with an application under S. 19 of the Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to as the Act). Accordingly an order was passed invoking the powers under S. 23 read with S. 19 allowing the petitioner and her children to co-reside in the house of the respondent. The respondent then approached the High Court and prayed that the powers under S. 482 CrPC may be invoked to quash the order.

##### **Judgement:**

- It was contended by the counsel for the petitioner that an appeal under S. 29 is maintainable and therefore the respondent who has chosen not to invoke the right to appeal under S. 29 cannot be permitted to request this Court to invoke the powers under S. 482 of the CrPC. On this the Court said that only if the Court was satisfied that there are compelling reasons of an exceptional variety will the Court choose to invoke the powers under S. 482, CrPC even when such alternative remedies are not invoked by a petitioner.
- The respondent contended that the ex parte interim order under S. 23 has not been served on the respondent and thus he cannot claim a right to appeal under S. 29 of the Act. However, the Court found no merit in this contention and held that the right to appeal is not dependent on the service of the impugned order on the respondent.
- The counsel for the respondent then contended that it is an illusory right of appeal. He relied on S. 12(4) of the Act and contended that the first date of hearing must be within 3 days of the date of receipt of the application by the Court and the ex parte

interim order passed by the Magistrate cannot be challenged in appeal within the said period of 3 days. The Court found no merit in this contention also. It said that provisions of S. 12(4) can have no bearing while considering the existence or not of the right to appeal. Moreover, it said, S. 12(4) of the Act uses the word "ordinarily" which shows that the petitioner has elasticity to cater to the needs of the facts of a particular case.

- The learned Counsel for the respondent then contended that in this case the petitioner has not filed any separate application under Section 23 for grant of an interim order. Therefore the impugned order passed is legally unsustainable. However this contention was also struck down by the Court. The Court said that an application referred to in S. 23(2) is obviously an application under S. 12 claiming relief under S. 18 to S. 22 and thus the provisions of S. 23 cannot be interpreted to compulsorily insist on any separate application for interim order under S. 23.
- The learned Counsel for the respondent then contended that any interim order has to be passed only "on the basis of the affidavit of the aggrieved person". In the affidavit reasons must be shown as to why an interim order under Section 23 must be passed. The counsel contends that a reading of the affidavit can only show that the relief claimed in that affidavit is only the relief under Section 18 and not the relief of an interim order under Section 23. The Court however held that this contention raised that a separate application has not been filed under Section 23(2) and the affidavit filed is not sufficient to justify the grant of an interim order under Section 23(2) cannot, in these circumstances, succeed.
- The counsel for the respondent then contended that there has been gross non-application of mind by the learned Magistrate while granting the interim order. This argument was built on the premise that relief is granted to the petitioner and her children whereas there is no contention that the children need a home or are without a home. However this according to the High Court is not sufficient to justify the invocation of the jurisdiction under S. 482, CrPC.

Based on the above reasons the High Court came to the conclusion that powers under S. 482 CrPC cannot or deserve not to be invoked on these grounds in the facts and circumstances of this case.

## 5. Kerala High Court

### **M. A. Mony V. M. P. Leelamma & Anr. [2007 (2) KLT 432]**

#### **Facts:**

The first respondent, the wife, and the petitioner got married in the year 1977. The parties were living separately from 1982. There were two petitions pending before the Family Court at Kottayam. One a suit for divorce filed by the petitioner and the second an Original Petition claiming an amount of Rs. 36, 55, 000/- under various heads by the first respondent against the petitioner. While these petitions were pending before the Family Court, the Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to as the Act) was enacted by the Parliament. The

first respondent filed a suit claiming reliefs under S. 19, S. 20 and S. 22 of the Act. The petitioner filed another suit for quashing all proceedings initiated by the first respondent by filing an application under S. 12 of the Act claiming reliefs under S. 19, S. 20 and S. 22 of the Act.

### **Issues Raised:**

- Whether the availability of alternative options for grievance redressal deprive the aggrieved person of her right to approach the Magistrate with a petition under S. 12 of the Act?
- Does the Court have the power under S. 12 of the Act to direct transfer of a petition under S. 12 pending before the Magistrate to a Family Court where another dispute between the same parties is pending?

### **Judgement:**

- The first issue raised by the Court was that overlapping claims have been made before the Family Court as also before the learned Magistrate and thus the petition filed in the Magistrate's Court should be quashed. The Court however made a distinction between the nature of suit filed in the Family Court and in the Magistrate's Court. The claim before the Family Court relates to title over property, whereas the claim in this petition under S. 12 read with S. 19 is for a right of residence in the property which the petitioner claims to be his own and thus the claim for an order of residence under S. 19 is in no way affected by the claim for declaration of title in the O. P. pending before the Family Court. The Court further said that the "scheme of the Act does appear to contemplate such overlapping claims made before the other Courts and the Court of the Magistrate under the Protection of Women from Domestic Violence Act, 2005". Laying stress on the proviso to S. 12(2) of the Act the Court said that it may not be correct to assume rigidly that overlapping claims must lead to the quashing of the proceedings under the Act.
- Addressing the second issue at hand, the Court said that a perusal of the Introduction, Statement of Objects and Reason, Preamble etc. makes it amply clear that there is no provision anywhere in the Act which permits or authorises transfer of a petition filed under S. 12 which is pending before the Court of a Magistrate to any other Civil Court. Though the rights created and the reliefs granted under the Act are essentially civil in nature, significantly there is no provision in the Act for transfer of such a civil claim pending before the Magistrate to any other Civil Court. In the absence of specific provisions to that effect the superior Courts do not have the power to transfer a petition under S. 12 pending before the Magistrate to any Civil Court or Family Court as the case may be.
- The Court said that if a person aggrieved permanently or temporarily resides within the local limits of the Court, such Courts have territorial jurisdiction to deal with the matter.
- The Court also made it a point to say that under the Act, even if monetary / compensatory claim is allowed under S. 12, such payment has to be set off against amounts due under the identical heads as per the decree or order of any other Court.

## 6. Kerala High Court

### **Priya Versus Shibu & Others 2008 (3) KLT 1 CDJ 2008 Ker HC 365 Crl. Rev.Pet.No. 2524 of 2007)**

THE Revision Petitioner when she approached the Magistrate under the Domestic Violence Act she was already Divorced.The Main issue raised here was raised in the revision is as to whether a divorced wife is entitled to file a petition under Section 12(1) of the Protection of Women from Domestic Violence Act, claiming return of dowry and ornaments and also for maintenance payable under Section 125 of Cr.P.C. - It was contended by the Honble Judge that the main relief prayed for in the application was for return of the sum of Rs.59,000/- paid in cash and 40 sovereigns of gold ornaments allegedly given as dowry which was a claim which could be also made under Section 19(8) of the Act even by a divorced wife. Likewise, a claim for maintenance under Section 125 Cr.P.C. is a monetary relief which can be claimed under Section 20 of the Act.

The further question was whether the applicant would continue to be in a domestic relationship with the respondents on the date of preferring the claim and whether the persons who are related by consanguinity, marriage or any of the relationship referred to in Section 2 (f) of the Act should continue to be in that relationship on the date of filing the petition. It was pointed out that the words `has been` and the words `have lived` are employed for the purpose of showing the past relationship or experience between the parties concerned and they cannot be so construed as to mean that unless the "domestic relationship" continues on the date of application, the applicant will have no locus standi to move the Magistrate. It was laid down that the existence of the present status as a wife could not be read into those provisions to hold that the application filed by the revision petitioner before the Magistrate was not maintainable. The view taken by the learned Sessions Judge is clearly wrong. The order dated 11.1.2007 passed by the Magistrate is restored. Respondents 1 to 3 were given one month's time from the date or order to deposit the arrears of maintenance before the Magistrate.

## 7. Delhi High Court

### **Amit Sundra & Ors. V. Sheetal Khanna [I (2008) DMC 58]**

#### **Facts:**

Respondent filed an application under S. 23 of the Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to as the Act) before the Magistrate praying for grant of interim relief seeking her entry into their shared household and also an interim maintenance of Rs. 45, 000/- per month. Subsequently the Magistrate directed the petitioners to allow the respondent to enter into the shared household and stay over there under the protection of the Protection Officer. The Court also directed the petitioners to provide the respondent a monthly maintenance of Rs. 8, 000/-. Dissatisfied with the order passed by the Magistrate petitioner / appellant

challenged this order before the High Court of Delhi and also filed an application under S. 482 CrPC seeking stay of the operation of the impugned order and for giving a direction to the Protection Officer to remove the respondent and her family members from the house.

**Judgement:**

The Court said that S.25 of the Act allowed an aggrieved person to make an application before the Magistrate and the Magistrate after being satisfied that there is a change in the circumstances requiring alteration, modification and revocation of any order made under this Act, he may, for reasons to be recorded in writing pass such order, as he may deem appropriate. Further S. 29 provides for appeal to the Court of Session within 30 days from the date on which the order made by the Magistrate is served on the aggrieved person, the respondent in this case. Relying on the case of *N. P. Ponnuswami V. Returning Officer, Namakkal Constituency and Ors.* [1952 SCR 218] the Court said that where the specific remedy is open to the party under specific Act, the High Court will not interfere under S. 482 of CrPC.

The Court felt that there were sufficient and reasonable grounds for vacation of the interim *ex parte* order. Accordingly the present application for vacation of *ex parte* stay was allowed and *ex parte* stay granted vacated and the parties directed to maintain *status quo* and not to dispossess the respondent. Therefore the appeal was allowed.

## 8. Madhya Pradesh High Court

### Ajay Kant & Ors. V. Alka Sharma [I (2008) DMC 1]

**Facts:**

Smt. Alka Sharma filed one application under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to as the Act) against the petitioners on which the learned Magistrate issued notices to the petitioners. It has been averred in the application that the respondent married the petitioner No. 1 on 16th of May, 2005. After a period of 4-6 months she became pregnant and thereafter the petitioners started harassing the respondent demanding money and kind from her parents. The father of the respondent could not fulfil the demand. However he reported the matter to the local police station, but the report was not lodged and no action was taken. On 3rd February, 2006 the respondent delivered a male child in the hospital. Thereafter, on 17th February, 2006 the petitioners separated the child from the respondent, kept him along with them and deserted the respondent. Consequently, she lived in her matrimonial home without her son. Admittedly, one application for divorce has been filed by the petitioner No. 1 against the respondent and the respondent has filed an application under Section 125 of Cr.PC claiming maintenance from him and also she has filed another application under Section 9 of the Hindu Marriage Act for seeking a decree of restitution of conjugal rights against the petitioner No. 1. These applications are pending in the Family Court, Gwalior. The instant petition is for impugning the order passed by Judicial Magistrate First Class, Gwalior, whereby the learned Magistrate issued notice to the petitioners on an application filed by the respondent under Section 12 of the Act.



**Judgement:**

- The counsel for the petitioner contended that under Section 2(q) of the Act, an application under Section 12 cannot be filed against the petitioner Nos. 3 and 4 who are ladies. The Court looked into the definition of the term respondent as given in the Act. The Court said that it is provided by this definition that an application can be filed by an aggrieved person including the respondent claiming relief under the Act only against the adult male person. However, as per the proviso appended to this provision, a wife or female living in a relationship in the nature of a marriage may also file a complaint against a relative of the husband or the male partner. The word "complaint" as appeared in the proviso to S. 2(q) of the Act has not been defined anywhere in the Act. The Court said that, is not provided that the definition of complaint can be considered the same as provided under the Cr.PC but at the same time it is also not prohibited. In view of this, the definition of complaint can appropriately be seen in Cr.PC. Based on this definition the Court came to the conclusion that "Complaint" as seen in the definition of "respondent" has been used for initiating proceedings for offences under Section 31 and under Section 33 of the Act and an aggrieved wife or female living in a relationship in the nature of a marriage has been given a right to file a complaint against a relative of the husband or the male partner. The Court further said that "complaint" cannot be considered beyond the scope of the main provision of this Section which has been defined in first part of Section 2 (q) that is for any relief under this Act. Thus an application can be filed or a proceeding can be initiated against only adult male person. Hence, it is clear that the application under Section 12 of the Act which has been filed by the respondent against petitioner Nos. 3 and 4, who are not adult male persons, is not maintainable.
- Another contention raised by the learned counsel for the petitioner is that before issuance of the notice learned Magistrate has recorded the statement of the respondent which is not required. The Court said that "it is true that recording of statement as provided under Sections 200 and 202 of Cr.PC is not required before issuance of the notice because application under Section 12 of the Act is an application and not a complaint. However, this action of the learned Magistrate cannot be a ground for quashing the proceedings because as provided by Sub-section (2) of Section 28 of the Act, the Court/learned Magistrate is not prevented from laying down its own procedure for disposal of an application under Section 12 of the Act."
- The proceeding has also been assailed on the ground that no report from the Protection Officer under Section 12 of the Act has been called. On perusal of the section, the Court came to the conclusion that before passing any order on the application, it is obligatory on a Magistrate to take into consideration any report received by him from the Protection Officer or the service provider. Neither it is obligatory for a Magistrate to call such report nor is it necessary that before issuance of notice to the petitioners it was obligatory for a Magistrate to consider the report. The words before passing any order provide that any final order on the application and not merely issuance of notice to the respondent/the petitioners herein. The words any report also mention that a report, if any, received by a

Magistrate shall be considered. Thus, if the report has not been called or has not been considered, it cannot be a ground for quashing the proceeding. The appeal was thus partly allowed.

## 9. Andhra Pradesh High Court

### **Mohammad Mageenuddin Ahmed & Others Versus The State of Andhra Pradesh Versus The State of Andhra Pradesh[ 2007 CrLJ 3361]**

This was a Petition to quash the Petition for Maintenance which had been filed under Section 125 of Criminal Procedure Code and section 12,22 of the Protection of Women from Domestic Violence Act, 2005.

It is submitted the Petitioners 2 to 11 who were relatives of the Petitioner no 1 in the High court. Since there were no specific allegations in the prayer portion of the Petition against them except for the fact that it was at their instance that the Petitioner was demanding money and was not providing medical expenses. Under these grounds The Relief was against the 1st Petitioner only. Since no relief is claimed against petitioners 2 to 11, the Hon'ble High Court Judge felt that it was unnecessary to continue the proceedings against them and continuation of the proceedings against would amount to abuse of process of law. Consequently proceedings against the petitioners 2 to 11 were quashed. Since the entire claim was against him and there were allegations in the petition that he neglected to pay medical expenses and also neglected to maintain her and her children, the Hon'ble Judge was not inclined to quash the proceedings against him. In the result, the Criminal Petition in respect of the first petitioner was dismissed.

## 10. Andhra Pradesh High Court

### **M. Nirmala Versus Dr. Gandla Balakotaiah CDJ 2008 APHC 404 Civil Revision Petition No. 3354 of 2007)**

#### **The honourable acting chief justice Mr. Bilal Nazki**

It was laid down that section 19 of the Protection of Women from Domestic Violence Act, 2005, has to be read along with Section 12 of the Act as it will come into play when an application has been made under Section 12 and an aggrieved person or a Protection Officer or any person on of behalf of the aggrieved person can make an application to the Magistrate seeking an order or relief under the Act. Certain relief's are provided under sub-section (2). Section 19 lays down that while disposing of an application under sub-section (1) of Section 12, the Magistrate can pass an order with respect to possession of the household. Thus conversely an order under Section 19 would be an application under Section 12 before the Magistrate and the Magistrate has to satisfy himself before passing an order under Section 19 that domestic violence has taken place.

The Hon'ble High Court stated that in his view, in a suit pending before a Family Court, no such relief could be sought as the requirements for issue of injunction under

Order 39 of C.P.C. are altogether different than the requirements under Section 19 of the Act and the law has provided different for different remedies.

## **11. Bombay High Court**

### **Shammi Nagpal Versus Sudhir Nagpal, Director of Hotel & Others) CDJ 2008 BHC 1009 (Notice Of Motion No. 1280 of 2008 In Suit No.1068 of 2008**

The Petitioner wife had approached the Hon'ble High Court seeking directions to the Respondent husband to hand over the flat to her. The background was such that the a Petition had been filed by husband for annulment of marriage before Family Court. The Petitioner submitted that her belongings were dispossessed from suit premises when she was out of India. The Respondent husband claimed that suit premises were allotted to him as employee from second Respondent. It was contended by the First Respondent that the second Respondent had terminated the service occupancy agreement requiring him to hand over possession within the stipulated time. It was only because of that that the first Respondent had cleared all belongings of his wife when she was not in India. The Petitioner had contended that the second Respondent had no right to claim possession either from her or from first Respondent. Further she had no knowledge about the occupancy agreement and contended that there was Collusion between the defendants who forcibly dispossessed her. As the First Respondents wife she had a right to stay in the matrimonial home. It was held that Matrimonial home means a home where both spouses have equal right to possession, she had no independent right to stay in the suit premises. The Petitioner could not claim right higher right than her husband, who was an allottee of the suit premises under the service occupancy agreement. The Court held that It was not forcible dispossession but surrender of premises by husband-employee to his employee. Further it was held that the Petitioner could collect her articles from the Respondent .It was held that she could not seek restoration of possession but she could would be allowed to stay in the suit premises for six months to find her own accommodation.

## **12. Madras High Court**

### **P. Babu Venkatesh Versus Rani CDJ 2008 MHC 1678 (CrI.R.C. Nos.48 and 148 of 2008 & M.P.Nos.1 of 2008**

This was a Petition challenging the Protection order of the learned magistrate. An Exparte residence order was obtained by the Respondent herein and she had applied for enforcement of the order. It was stated by the learned High Court had reasoned that Under section 23(2) of the Protection of Women from Domestic Violence Act, 2005, the learned Magistrate has to pass a protection order, when he is satisfied that the application prima facie discloses that the respondent is committing or has committed an act of domestic violence or that there is likelihood of commission of such domestic violence before ever he passes an ex-parte order on the basis of an affidavit filed by the wife.. If the material analysed by the learned Judicial Magistrate discloses the allegation of

commission of an act of violence, he is well within his powers to pass protection order under Section 23(2) of the Act - Of course, the learned Judicial Magistrate is empowered to consider the suggestion if emanated from the husband to provide alternate accommodation as contemplated under Section 19(f) of the Act, while passing a final order in the main application. Such a suggestion can be seriously considered by the Judicial Magistrate during the final disposal of the main application. The interim residence order is one of the protection orders. Of course, the said provision does not specifically state that the learned Judicial Magistrate may direct the officer incharge to break open the lock. To give effect to the protection order passed ex-parte, the learned Judicial Magistrate will have to necessarily pass an order break open the lock by the police. It was Reasoned by the Learned Judge that If the submission made on the side of the petitioners that the learned Judicial Magistrate is not empowered to give any order to break open the lock is accepted, then in all cases, the husband will lock the house and walk off and thereby depriving the wife from enjoying the protection order passed under the Act. The Court finds that the aforesaid submission is against the spirit of the object and scheme of the benevolent Special Act . Appreciating the fortitude of the magistrate in taking taking emergent action passing the order at 8.30 p.m. without minding the time, considering the emergency in the application filed by the respondent. As otherwise the wife should take shelter only in the platform. The Honble High court did not find anything wrong in passing an order at 8.30 p.m., that too after hearing both sides. The Court finds that the order to break open the lock has been passed only after weighing the merits of the application. There is no impropriety or illegality in the said order. Therefore, both the Criminal Revision Cases fail and they stand dismissed. Consequently, the connected Miscellaneous Petitions are also dismissed.

## 13. Supreme Court of India

### **S.R. Batra v. Taruna Batra**

#### **Facts:**

Respondent Smt. Taruna Batra was married to Amit Batra, son of the appellants, on 14.4.2000. After the marriage the respondent started living with her husband Amit Batra in the house of the appellant No. 2 in the second floor. The said house belongs to the appellant No. 2 and not to her son Amit Batra. Amit Batra filed a divorce petition against his wife Taruna Batra, and it is alleged that as a counter blast to the divorce petition Smt. Taruna Batra filed an F.I.R. under Sections 406/498A/506 and 34 of the Indian Penal Code, 1860 and got her father-in-law, mother-in-law, her husband and married sister-in-law arrested by the police and they were granted bail only after three days. Smt. Taruna Batra had shifted to her parent's residence because of the dispute with her husband. She alleged that later on when she tried to enter the house of the appellant No. 2 she found the main entrance locked and hence she filed a suit for mandatory

injunction to enable her to enter the house. The case of the appellants was that before any order could be passed by the trial Judge on the suit filed by their daughter-in-law, Smt. Taruna Batra, along with her parents forcibly broke open the locks of the house of the mother-in-law of Smt. Taruna Batra. The appellants alleged that they have been terrorised by their daughter-in-law and for some time they had to stay in their office. It is stated by the appellants that their son Amit Batra, husband of the respondent, had shifted to his own flat at Mohan Nagar, Ghaziabad before the above litigation between the parties had started.

### **Procedural History:**

The learned trial Judge decided both the applications for temporary injunction. He held that the petitioner was in possession of the second floor of the property and he granted a temporary injunction restraining the appellants from interfering with the possession of Smt. Taruna Batra. Against the aforesaid order the appellants filed an appeal before the Senior Civil Judge, Delhi who held that Smt. Taruna Batra was not residing in the second floor of the premises in question. He also held that her husband Amit Batra was not living in the suit property and the matrimonial home could not be said to be a place where only wife was residing. He also held that Smt. Taruna Batra had no right to the properties other than that of her husband. Hence, he allowed the appeal and dismissed the temporary injunction application. Aggrieved, Smt. Taruna Batra filed a petition under Article 227 of the Constitution Of India, 1950 which was disposed of by the impugned judgement. The learned Single Judge of the High Court in the impugned judgement held that the second floor of the property in question was the matrimonial home of Smt. Taruna Batra. He further held that even if her husband Amit Batra had shifted to Ghaziabad that would not make Ghaziabad the matrimonial home of Smt. Taruna Batra. The Learned Judge was of the view that mere change of the residence by the husband would not shift the matrimonial home from Ashok Vihar, particularly when the husband had filed a divorce petition against his wife. On this reasoning, the learned Judge of the High Court held that Smt. Taruna Batra was entitled to continue to reside in the house of the mother in law second as that is her matrimonial home.

### **Judgement:**

- The house in question belonged to the mother-in-law of Smt. Taruna Batra and it did not belong to her husband Amit Batra. Hence, Smt. Taruna Batra cannot claim any right to live in the said house. Appellant No. 2, the mother-in-law of Smt. Taruna Batra had stated that she had taken a loan for acquiring the house and it was not a joint family property.
- Learned Counsel for the respondent then stated that in view of the said Act, respondent Smt. Taruna Batra cannot be dispossessed from property in question. The Court said that the finding of the learned Senior Civil Judge that, Smt. Taruna Batra was not residing in the premises in question is a finding of fact which cannot be interfered with either under Article 226 or 227 of the Protection of Women from Domestic Violence Act, 2005 Constitution Of India, 1950. Hence, Smt. Taruna Batra cannot claim any injunction restraining the appellants from dispossessing her from the property in question for the simple reason that she was not in pos-

session at all of the said property and hence the question of dispossession does not arise.

- The Court opined that the house in question cannot be said to be a 'shared household' within the meaning of Section 2(s) of the Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to as the 'Act'). Learned Counsel for the respondent stated that the definition of shared household includes a household where the person aggrieved lives or at any stage had lived in a domestic relationship. He contended that since admittedly the respondent had lived in the property in question in the past, hence the said property is her shared household. However the Court did not agree with this. It said that if the aforesaid submission is accepted, then it will mean that wherever the husband and wife lived together in the past that property becomes a shared household. It is quite possible that the husband and wife may have lived together in dozens of places e.g. with the husband's father, husband's paternal grand parents, his maternal parents, uncles, aunts, brothers, sisters, nephews, nieces etc. If the interpretation canvassed by the learned Counsel for the respondent is accepted, all these houses of the husband's relatives will be shared households and the wife can well insist in living in the all these houses of her husband's relatives merely because she had stayed with her husband for some time in those houses in the past. Such a view would lead to chaos and would be absurd. Under these circumstances ..
- Learned Counsel for the respondent relied upon Section 19(1) (f) of the Act and claimed that she should be given an alternative accommodation. However the Court said that the claim for alternative accommodation can only be made against the husband and not against the husband's in-laws or other relatives.



# international judgements

## 1. Case 1

### Privy Council Appeal No 142 of 2005

#### Lynn Anne Abbott Vs Dane Norman Lawrence Abbott

The proceedings were between a divorced husband and wife about the beneficial ownership of their former matrimonial home, its furniture and some shares. The High Court held that both the house and the shares were beneficially owned by the parties equally. This was overturned by the Eastern Caribbean Court of Appeal. The Wife had appealed against it.

Subsequent to the couple's marriage in 1983, the birth of their two children, they built a home on land given to them by the husband's mother. There was financial contribution from the husband's mother in the construction of the house. There was a joint account and both their salaries were being paid into the joint account. The husband was now claiming that the land and gifts from his mother were solely for his benefit.

Relying on the following landmark judgement of Rossets wherein the proposition was advanced that

"The first and fundamental question which must always be resolved is whether, independently of any inference to be drawn from the conduct of the parties in the course of sharing the house as their home and managing their joint affairs, there has at any time prior to acquisition, or exceptionally at some later date, been any agreement, arrangement or understanding reached between them that the property is to be shared beneficially. . . .

In sharp contrast with this situation is the very different one where there is no evidence to support a finding of an agreement or arrangement to share, however reasonable it might have been for the parties to reach such an arrangement if they had applied their minds to the question, and where the court must rely entirely on the conduct of the parties both as the basis from which to infer a common intention to share the property beneficially and as the conduct relied on to give rise to a constructive trust. In this situation direct contributions to the purchase price by the partner



who is not the legal owner, whether initially or by payment of mortgage installments, will readily justify the inference necessary to the creation of a constructive trust. But, as I read the authorities, it is at least extremely doubtful whether anything less will do.”

In this judgement Baroness Hale reviews the Appeal Court judge’s approach and his reliance on Lord Bridge’s statement in Rosset that it is “extremely doubtful whether anything less” than direct payments would result in a constructive trust. She found that: (1) the assumption that a gift to a married couple was usually inferred as for both parties; (2) the acceptance of the husband in the court that the wife had a beneficial interest (though valued at only 8%) and; (3) the conduct of the parties including the insurance policies and the use of a joint bank account, all led her to conclude that the wife was entitled to a 50% interest in the home. She also sets out reasons for rejecting the claim on the shares and the valuation of the wife’s interest in the furniture.

## **2. Case 2**

**H (A Child) [2005] EWCA Civ 1404**

**between :**

**GHAZALA PARVEEN ALI - V- ABID HUSSAIN**

**H (A child)**

The petitioner mother and the Respondent father were both Muslim and of Pakistani origin. The Petitioner’s parents were UK residents and the Petitioner had been born and brought up in UK. The Respondent was of Pakistani origin and was resident of Pakistan. She conceived while in Pakistan. The Petitioner mother had been subjected to severe domestic Violence consequent to which she returned to England. The Child was born on 8 April 1999, whilst the father was still in Pakistan, and he did not see her until his arrival in this country in January 2001, by which time the child was 21 months old. This was the first time the respondent was seeing the child. The severe violence continued even when they resumed cohabitation and the violence also extended to the child. They finally separated on 13th July 2001. He made application for custody only a year later when the child was three. On 9 May 2005, HH Judge Cockcroft , sitting in the Bradford County Court, made an order for supervised access rights.

The Petitioner mother went on appeal on 12th October 2005. The Two main issues which were discussed related to the manner in which the court should approach applications in which the objection to contact is founded on domestic violence on the part of the Respondent parent seeking access or visitatorial rights and the court has made a finding of fact of Domestic Violence and secondly that relating to case management.

It was observed in the judgement that there was there was enormous delay wherein Hearings were vacated and moved apparently without any explanation which ultimately did not serve the child’s interest. It was stated that when domestic violence was raised as a ground for denying vistorial rights there should not have been a time period of 10months from 19 August 2002 to 24 June 2003 to achieve a finding of fact hearing, nor should it have required a formal report from the CRO to point out the need

for it. The Guidelines make it clear that in every case in which domestic violence is put forward as a reason for refusing or limiting contact the court should at the earliest opportunity consider the allegations made (and any answer to them) and decide whether the nature and effect of the violence alleged by the complainant (or admitted by the respondent) is such as to make it likely that the order of the court for contact will be affected if the allegations are proved. Further it was clarified that The “earliest opportunity” is the first appointment

### **3. Case 3**

#### **Patel v Patel [2007] EWCA Civ 384**

##### **The following is an extract of the judgement**

1. This was an appeal against a committal order imposing an immediate custodial sentence of ten months. Mr Mohammed Iqbal Patel, who is the appellant, was already subject to a suspended committal order made on 9 October 2006, under which he was subject to a four-month sentence, which had been suspended for 12 months. Mr Patel is the husband of the respondent to the appeal and petitioner in the proceedings below, Khairunnissa Patel.
2. The parties were married in June 1993, They had six children out their marriage one son, Ahmed, who is aged 10, and five daughters between the ages of 12 and 5. They were living separately on account of the severe Domestic Violence. The Wife had been granted non-molestation orders in October 2002, which he violated. In November 2002 he was convicted of threatening to kill the wife and the children and given a six-month sentence suspended for two years. In May 2005 he was again convicted of common assault and given an 18-month conditional discharge. Orders were made against him in 2006, successively on 13 July, 3 August, 30 August and 7 September, all or most of which he broke. It was on these grounds she applied for his committal for those breaches which were six in number, all forming part of, in effect, a single occasion or incident. It is described in the following way:

Taking it as a serious issue and approved the order for committal to prison at any rate for the four months. It was further observed by the Judge that by simply looking at the incidents by themselves, one incident may have been less severe than that of the other but the final Incident on November was the cumulative effect of the successive incidents and despite the fact that the wife was entitled in November to regard herself as under the protection of the suspended committal order imposed in October, for which the husband plainly had not the slightest regard. Hence for the above reasons the sentence of committal to prison could not be considered a harsh sentence. Consequently the Appeal was dismissed.

### **4. Case 4**

#### **Reading Borough Council v D & Ors [2006] EWHC 1465 (Fam)**

This was an application by Thames Valley Police for permission to use documents supplied by a social worker to one of their officers. In The Light of the Family Pro-

ceedings (Amendment No 4) Rules 2005 which widened the ambit of disclosure of information for the purposes of child protection the parties had approached the court as to what kind of information or documents could be used. By making a distinction between information and documents Sumner J's judgement, allows the police to use the information gathered from disclosure in their criminal investigation, but requiring court permission to use the documents. The judgement makes an observation as to how social workers, police and the courts should interpret and apply the Rules in future proceedings.

**Background:**

These applications arose out of care proceedings started by the local authority. The Respondents were the parents of the three children in Question. There was a history of severe violence against the mother and the children. The care proceedings arose out of it. The father did not even spare his fourweek old child who consequent to the severe violence was found to have multiple rib fractures incurred at different times, an injury to the liver and spleen with bruising over both, a left sided skull fracture, and severe brain injury. The parents were separated soon after this. Charges were laid against the Respondent father. On 9 December 2005 five documents were delivered to DC Johnson by Miss H, a social worker. They were as follows –

- i) A medical report from Mr Richards, a consultant neurosurgeon, of 5 December 2005. He concluded that E's injuries were most likely to be non-accidental.
- ii) A report from Dr Johnson, a consultant pediatric radiologist, of 9 December 2005. He considered E's rib fractures were non-accidental and that the liver injury had been caused by blunt abdominal trauma.
- iii) An undated and unsigned statement from the mother prepared for the care proceedings. In that she said that the father was violent. He had sole care of E on the evening of 15 July. She blamed him for E's injuries. This was signed and served on 14 December 2005.
- iv) A signed statement of the father dated 23 October 2005 prepared again for the care proceedings. He accepted that there had been violence between himself and the mother. He denied injuring E.
- v) An undated and unsigned statement of the father which had been disclosed on 8 December 2005. In it he withdrew his confession of responsibility for E's injuries. He said the confession was made as a result of pressure from the mother and the maternal grandmother.

It was for using the above mentioned Documents that the Police approached the courts for a direction.

The following statutes were relied upon to arrive at the final judgement.

**Section 12(1)(a) of the Administration of Justice Act 1960:**

“(1) The publication of information relating to proceedings before any court sitting in private shall not of itself be contempt of court except in the following cases, that is to say –

- (a) where the proceedings (i) relate to the exercise of the inherent jurisdiction of the High Court with respect to minors; (ii) are brought under the Children Act 1989; or (iii) otherwise relate wholly or mainly to the maintenance or up-bringing of a minor.

(2) Without prejudice to the foregoing subsection, the publication of the text or a summary of the whole or part of an order made by a court sitting in private shall not of itself be contempt of court except where the court (having power to do so) expressly prohibits the publication.”

S.12(4) has now been amended by the Children Act 2004 to provide that it is no longer contempt to publish information authorised by Rules of Court.

## **Children Act 1989**

### **Section 97(2):**

“No person shall publish to the public at large or any section of the public any material which is intended, or likely, to identify–

- (a) any child as being involved in any proceedings before (a Family Court) in which any power under (the 1989) Act may be exercised by the court with respect to that or any other child, or
- (b) an address or school as being that of a child involved in any such proceedings.”

(The words in italics are added by s.62(1) of the Children Act 2004).

### **Section 98**

“.....no person shall be excused from –

- a) giving evidence on any matters; or
  - b) answering any question put to him in the course of his giving evidence on the ground that doing so might incriminate him or his spouse of an offence.
- 2) a statement or admission made in such proceedings shall not be admissible in evidence against the person making it or his spouse in proceedings for an offence other than perjury.”

## **Family Proceedings Rules 1991**

### **Rule 4.23**

“No document, other than a record of an order, held by the court and relating to proceedings (under the Children Act) shall be disclosed, other than to –

- a) a party,
- b) the legal representative of a party,
- c) the children’s Guardian,
- d) the Legal Aid Board, or
- e) a welfare officer or Children and Family Reporter,
- f) an expert whose instructions by a party has been authorised by the court, without leave of the judge or District Judge.”

### **The effect of the Statutes and Rules before the 2005 Rules**

21. For the purposes of this hearing, these provisions can be summarised as follows:
- i) It is a contempt of court to publish any information relating to private proceedings concerning children except for a court order unless that publication is expressly permitted.
  - ii) It is a criminal offence to publish any material likely to identify a child involved in such proceedings, their home, or school to the public at large.

- iii) In private proceedings no one is excused from answering questions on the grounds that it might incriminate him or his spouse. Any admission is not however evidence against him or his spouse for any offence except perjury.
- iv) No document held by the court in such proceedings is to be disclosed except to a limited group of people closely connected to the proceedings (but not the police) without the permission of the court save for a record of an order.

### **The 2005 Rules**

- 22. The Rules apply to proceedings held in private in precisely the same terms as provided by section 12(1)(a) of the 1960 Act, (see para. 11). Rule 4.23 of the 1991 Rules is repealed. Under sub-rule 2 of 10.20A, the wording of section 12(1) (a), "information relating to the proceedings" is reproduced.
- 23. It is in these terms –  
"For the purpose of the law relating to contempt of court, information relating to the proceedings (whether or not contained in a document filed with the court) may be communicated –
  - (a) where the court gives permission,
  - (b) subject to any direction of the court, in accordance with paragraphs (3) or (4) of this rule or,
  - (c) where communication is to –
    - (i) a party,
    - (ii) the legal representative of a party,
    - (iii) a professional legal advisor,
    - (vi) an officer of the service or a Welsh Family Proceedings officer, (v) the welfare officer,
    - (vi) the legal service commission,
    - (vii) an expert whose instruction by a party has been authorised by the court, or
    - (viii) a professional acting in furtherance of the protection of children."
- 24. Under sub-rule 5 the additional words "professional acting in furtherance of the protection of children" are defined. It "includes –
  - i) An officer of a local authority exercising child protection functions,
  - ii) A police officer who is –
    - a) Exercising powers under section 46 of the Act of 1989, or
    - b) Serving in a child protection unit or a paedophile unit of a police force;
  - iii) Any professional person attending a child protection conference or review in relation to a child who is the subject of the proceedings to which the information relates, or
  - iv) An officer of the National Society for the Prevention of Cruelty to Children."
- 25. Finally under sub-rule 3 there is a grid divided into 4 columns. The sub-rule provides –  
"A person specified in the first column of the following table may communicate to a person listed in the second column such information as is specified in the third column for the purpose or purposes specified in the fourth column."

### **The essential conflict**

35. Questions involving disclosure to the police of information and documents connected with private family cases are of great importance. Difficulties arise from the conflict between 2 important principles.
36. The first is the need for confidentiality in children cases. This is based on the needs of a child to have no publicity on what has been described as "truly domestic affairs". It is also based on the need for frankness from an individual in matters relating to children and a requirement that confidences given will be maintained (for amplification of this see the judgement of Munby J. in *Re: X (Disclosure of Information)* (2001) 2 FLR 440 at paragraphs 23 and 24).
37. The second no less important principle is the need to investigate and where warranted to prosecute all those who are or may be criminally involved with children. It is this conflict which has led to the differences between the parties and on which I am asked to rule.

### **The case law**

The effect of the 1991 Rules was to prevent any unauthorized use of documents filed with the court except to a limited category of persons closely connected with the case. Leave of the court was required if they were to be used.

48. The Rule did not cover documents prepared for the court but not filed nor information to be put in future reports for the court. It also did not cover other documents such as local authority case notes, working notes, information gathered by a CAFCASS Reporter, or a video.
49. Those documents not so covered were or were likely to be confidential and covered by public interest immunity. As such the information in those documents is subject to court rules. It cannot be disclosed save to those involved in the investigative process, see *Re G (Social Worker: Disclosure)* (1996) 1 FLR 276, *Re W (Disclosure to Police)* (1998) 2 FLR 135, and *Re M (Disclosure: Children and a Family Reporter)* (2002) 2 FLR 893.
50. Thus once a document has been filed with the court, the use of the document itself is controlled by the court. But the information in that document as well as information in case notes and other preparatory documents of a local authority or CAFCASS is not so restricted. However it remains confidential and subject to public interest immunity. That does not prevent the sharing of the information with other agencies involved in child protection work. But the sharing of information does not lose the confidentiality attaching to the information or the documents.

### **Interdisciplinary communication**

51. The case of *Re G (Social Worker: Disclosure)* (1996) 1 FLR 277 drew attention to the need for interdisciplinary and intra-agency work as an essential part of child protection. "There has therefore to be free exchange of information between the agencies in order to facilitate that work and the protection of children", (*Butler-Sloss LJ*, p.141).
52. In that case the court held that documents not held by the court did not come within the scope of the 1991 Rules. Disclosure for instance of the working papers of a local authority were covered by confidentiality and public interest immunity. This did not prevent the Police being able to see that confidential material in the best interests of children.

53. In *Re M (Disclosure: Children and Family Reporter)* (2002) 2 FLR 893 Thorpe LJ pointed out that similar considerations applied to private law family cases. He emphasised "the need for communication between the family justice system in private law proceedings and the local authority in discharging its statutory functions for the protection and care of children at risk of significant harm".

### **Principles where leave of the court is required to use documents**

54. Where leave is sought from the court to use documents either on the court file or by their nature confidential, the principles have been set down in the judgement of Swinton Thomas LJ in *Re: C (A Minor) (Care Proceedings: Disclosure)* (1997) 2 WLR 322. He set the framework by referring to the judgement of Sir Thomas Bingham MR as he then was in *Re: L (Police Investigation: Privilege)* (1995) 1 FLR 999 at 1019 where he said –

"The authorities show that many factors are potentially relevant, depending on the facts, to the exercise of the discretion. Where material has come into existence in the course of proceedings to determine, whether in wardship or under the Children Act, how the welfare of a child will be best served, it is plain that consideration of the welfare of a child will be a major factor in the exercise of the discretion: if disclosure will promote the welfare of the child, it will readily be ordered; if disclosure will not affect the welfare of the child, other considerations are likely to carry the day one way or the other; if disclosure will prejudice the welfare of the child, disclosure may nevertheless be ordered if there are potent arguments for disclosure, but the court will be much more reluctant to make the order. It is plain that the public interest in the fair administration of justice, and the right of the criminal defendant to defend himself, are accepted as potent reasons for disclosure. If, on the other hand, it could be shown that disclosure would for some reason be unfair or oppressive to a party to the wardship or Children Act proceedings, that would weigh against an order for disclosure."

55. He went on to approve a statement of Booth J in *In Re S (Minors)(Wardship: Disclosure of Material)* (1988) 1 FLR at p.5 where she said –

"The likely outcome and its effects upon a ward of granting an application such as the police now make must be considered in each and every case. But when balanced against the competing public interest which requires the court to protect society from the perpetration of crime it could only be in exceptional circumstances that interests of the individual ward should prevail. In this case, although the results may be far-reaching and unpleasant for these young and damaged children, their interests are secondary to that greater public need. I am satisfied that on the facts this application is wholly justified and that the police should have the leave they seek in respect of the medical records and video recordings now in the possession of the Great Ormond Street Hospital...."

56. Swinton Thomas LJ stated at p.330 –

"In the light of the authorities, the following are among the matters which a judge will consider when deciding whether to order disclosure. It is impossible to place them in any order of importance, because the importance of each of the various factors will inevitably vary very much from case to case.

- (1) The welfare and interests of the child or children concerned in the care proceedings. If the child is likely to be adversely affected by the order in any serious way, this will be a very important factor.



- (2) The welfare and interests of other children generally.
  - (3) The maintenance of confidentiality in children cases.
  - (4) The importance of encouraging frankness in children's cases. All parties to this appeal agree that this is a very important factor and is likely to be of particular importance in a case to which section 98(2) applies. The underlying purpose of section 98 is to encourage people to tell the truth in cases concerning children, and the incentive is that any admission will not be admissible in evidence in a criminal trial. Consequently, it is important in this case. However, the added incentive of guaranteed confidentiality is not given by the words of the section and cannot be given.
  - (5) The public interest in the administration of justice. Barriers should not be erected between one branch of the judiciary and another because this may be inimical to the overall interests of justice.
  - (6) The public interest in the prosecution of serious crime and the punishment of offenders, including the public interest in convicting those who have been guilty of violent or sexual offences against children. There is a strong public interest in making available material to the police which is relevant to a criminal trial. In many cases, this is likely to be a very important factor.
  - (7) The gravity of the alleged offence and the relevance of the evidence to it. If the evidence has little or no bearing on the investigation or the trial, this will militate against a disclosure order.
  - (8) The desirability of co-operation between various agencies concerned with the welfare of children, including the social services departments, the police service, medical practitioners, health visitors, schools, etc. This is particularly important in cases concerning children.
  - (9) In a case to which section 98(2) applies, the terms of the section itself, namely that the witness was not excused from answering incriminating questions, and that any statement of admission would not be admissible against him in criminal proceedings. Fairness to the person who has incriminated himself and any others affected by the incrimination statement and any danger of oppression would also be relevant considerations.
  - (10) Any other material disclosure which has already taken place."
57. More recently the judgement of Wall J as he then was in *Re AB (Care Proceedings: Disclosure of Medical Evidence to Police)* (2003) 1 FLR 579, highlighted the discretionary nature of the proceedings under the balancing exercise set out in *Re C*. He also importantly raised the question of having a protocol between the Crown Prosecution Service and the family justice system to cover mutual disclosure of information. I would support that.
  58. He identified a particular group of cases. It was those where there has been acknowledgment of harm done by a parent, and a prospect of rehabilitation dependent on the gravity of the harm. In those cases the court might refuse disclosure to the police. He saw s.98 as an important factor and a positive incentive to frankness.
  59. Because of the ready agreement in this instance that there should be an order for disclosure, I have not heard argument on that issue. I have not had to go through the necessary balancing exercise. But bearing in mind that it is only in exceptional



circumstances that disclosure should not be ordered, I would have reached the same conclusion.

It was Concluded by Justice Sumner thus-

- There is a ban on the publication of information under the 1960 Act relating to private family proceedings before the court save when it is pursuant to the order of that court. Originally the 1991 Rules and now the 2005 Rules provide further exceptions to that general principle.
- A distinction is drawn on the question of disclosure between information which comes into the possession of a local authority or another party prior to or during family court proceedings, and documents filed with the court during those proceedings. Once a document is filed with the court, its use is subject to the control of the court.
- The 2005 Rules do not alter that situation nor the position of preparatory documents for instance by a local authority or CAFCASS which contain information but which are not on the court file. They remain confidential, and subject to public interest immunity. Disclosure of the information in those documents to the police as happened here remains permissible, indeed it is to be encouraged in appropriate cases. As in the past that disclosure does not remove their confidentiality.
- The importance of information being available to agencies involved in child protection work has been emphasised repeatedly in the Court of Appeal as I have set out. It is also in the Consultation and Response Paper published by the Government which led to the 2005 Rules. That is now made clear by the express inclusion of the police in that role in the 2005 Rules. It does not alter the existing position on exchange of information save to confirm the law as it has developed.
- The only extension of power for the police under the 2005 Rules is the provision that the court's judgement in private family cases can now be disclosed to the police without the need for the court's permission. But it has to be for the purpose of a criminal investigation. I refer later to what I suggest is the reason for this.
- The 2005 Rules also make clear that there is no need to obtain the court's permission if information which a local authority for instance wishes to pass on to the police is already in a document filed with the family court. But it makes an important distinction.
- What the 2005 Rules permit (taken with the authorities to which I have referred) is the communication of all the information within those documents to a child protection police officer whether they have been filed with the court or not. It does not expressly permit the copying of documents on the court file. In practice I consider this is properly permissible. It would not make sense for a busy social worker to try and summarise verbally or in writing what might be a complex medical report for the police.
- But it establishes the difference between information and documents. Once the police have information from a local authority in the form of a document, they can use it for child protection purposes. However it is confidential and the document (as compared to the information within it) cannot otherwise be used without the court's express permission. This applies both to documents

not filed with the court e.g. social services records because they are confidential. It also applies to documents filed with the court because only the court can authorise their use.

- The above distinction does not in my view hamper the course of a police investigation. It arises from my interpretation of a police officer "serving in a child protection unit" and "acting in furtherance of the protection of children".
- Further it was understood that part of the protection of children and an officer's role in a child protection unit covers the removal of a child from danger. It may also include seeking appropriate bail conditions to ensure that a child does not come into contact with someone charged with an offence whom there is reasonable cause to believe may harm the child.
- Another part of the protection of children is the investigation and prosecution by the police of those who may be responsible for criminal offences to a child.
- With the help of that provision investigating officers are saved the time and expense of an application to the family court to learn for example what evidence was available at a family hearing and the findings of fact made by the court. (See also para. 5.5 of the Government Response to the public consultation on disclosure of information in Family cases, July 2005).
- If there were any difficulty in construing the Rules as I have set out above, I would look to the purpose of the amendments and the whole thrust of the cases to which I have referred. It is to ensure that agencies involved in the vital work of child protection have all the relevant information. It was the absence of sharing information that led 30 years ago to the failure to remove Maria Colwell from her mother and stepfather with tragic consequences and the resultant Inquiry.
- The Judge was satisfied therefore that the Police could use the information but not the documents disclosed to him for both child protection and criminal investigation purposes. However to use the documents he had to seek the court's permission.
- With respect to documents filed with the family court, It is for them to decide whether documents that have been filed with their court should or should not be disclosed. Once disclosed the use of the documents in other courts will be for those other courts to determine.

While further laying down the guidelines it was suggested that, when the social workers are handing on information to the police it would be helpful if they:

- i) Indicate to the police the source of any information or document they disclose unless it is confidential.
- ii) At an appropriate time, inform all parties to proceedings about the information they have disclosed.

It was further stated that "acting in the protection of children" is to be given a broad interpretation. He further went on to say that the Police have considerable experience in using confidential information. It arises frequently when they are asked to provide references from the Criminal Records Bureau set up under the Police Act 1997 and regularly when considering disclosure before a criminal trial. (Reference to Police include the Crown Prosecution Service who advise the Police as well as authorizing and conducting the prosecution of alleged offenders.)

90. In relation to applications by the Police to use such documents, if it is unopposed there is scope for the application to be considered as a paper application and thus to avoid the time and cost of a court hearing. It can be sought by the local authority on a directions hearing where it is not contentious, and provided the court has all the relevant information. It is of course subject to the court subsequently requiring an oral hearing if this appears advisable.



**appendices**



# model united nations legislation on domestic violence

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FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND  
FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME  
AND METHODS OF WORK OF THE COMMISSION

ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM  
FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND  
FUNDAMENTAL FREEDOMS

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

A framework for model legislation on domestic violence

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## **Introduction**

1. This framework for model legislation outlines important elements which are integral to comprehensive legislation on domestic violence. The objective of this model legislation is to serve as a drafting guide to legislatures and organisations committed to lobbying their legislatures for comprehensive legislation on domestic violence.

## **I. DECLARATION OF PURPOSE**

2. The purpose of this legislation is to:
  - (a) Comply with international standards sanctioning domestic violence;
  - (b) Recognise that domestic violence is gender-specific violence directed against women, occurring within the family and within interpersonal relationships;
  - (c) Recognise that domestic violence constitutes a serious crime against the individual and society which will not be excused or tolerated;
  - (d) Establish specific legislation prohibiting violence against women within interpersonal and family relationships, protecting victims of such violence and preventing further violence;
  - (e) Create a wide range of flexible and speedy remedies (including remedies under special domestic violence legislation, penal and civil remedies) to discourage domestic violence and harassment of women within interpersonal relationships and within the family and protect women where such violence has taken place;
  - (f) Assure victims of domestic violence the maximum protection in cases ranging from physical and sexual to psychological violence;
  - (g) Establish departments, programmes, services, protocols and duties, including but not limited to shelters, counselling programmes and job-training programmes to aid victims of domestic violence;
  - (h) Facilitate enforcement of the criminal laws by deterring and punishing violence against women within special interpersonal relationships;
  - (i) Enumerate and provide by law comprehensive support services, including but not limited to:
    - (i) Emergency services for victims of abuse and their families;
    - (ii) Support programmes that meet the specific needs of victims of abuse and their families;
    - (iii) Education, counselling and therapeutic programmes for the abuser and the victim;
    - (iv) Programmes to assist in the prevention and elimination of domestic violence which includes raising public awareness and public education on the subject.
  - (j) Expand the ability of law enforcement officers to assist victims and to enforce the law effectively in cases of domestic violence and to prevent further incidents of abuse;

- (k) Train judges to be aware of the issues relating to child custody, economic support and security for the victims in cases of domestic violence by establishing guidelines for protection orders and sentencing guidelines which do not trivialise domestic violence;
- (l) Provide for and train counsellors to support police, judges and the victims of domestic violence and to rehabilitate perpetrators of domestic violence;
- (m) Develop a greater understanding within the community of the incidence and causes of domestic violence and encourage community participation in eradicating domestic violence.

## II. DEFINITIONS

3. It is urged that States adopt the broadest possible definitions of acts of domestic violence and relationships within which domestic violence occurs, bearing in mind that such violations are not as culture-specific as initially observed, since increasing migration flows are blurring distinctive cultural practices, formally or informally. Furthermore, the broadest definitions should be adopted with a view to compatibility with international standards.

4. States are urged to enact comprehensive domestic violence legislation which integrates criminal and civil remedies rather than making marginal amendments to existing penal and civil laws.

### A. Domestic violence

5. Legislation shall clearly state that violence against women in the family and violence against women within interpersonal relationships constitute domestic violence.

6. The language of the law must be clear and unambiguous in protecting women victims from gender-specific violence within the family and intimate relationships. Domestic violence must be distinguished from intra-family violence and legislated for accordingly.

### B. Relationships to be regulated

7. The relationships which come within the purview of legislation on domestic violence must include: wives, live-in partners, former wives or partners, girl-friends (including girl-friends not living in the same house), female relatives (including but not restricted to sisters, daughters, mothers) and female household workers.

8. States should not permit religious or cultural practices to form an impediment to offering all women this protection.

9. States should offer this protection to non-national women and hold non-national men accountable to the same standards as men of their nationality.

10. There shall be no restrictions on women bringing suits against spouses or live-in partners. Evidence laws and criminal and civil procedure codes shall be amended to provide for such contingencies.

### C. Acts of domestic violence

11. All acts of gender-based physical, psychological and sexual abuse by a family member against women in the family, ranging from simple assaults to aggravated physical battery, kidnapping, threats, intimidation, coercion, stalking, humiliating verbal abuse, forcible or unlawful entry, arson, destruction of property, sexual violence, marital rape, dowry or bride-price related violence, female genital mutilation, violence related to exploitation through prostitution, violence against household workers and attempts to commit such acts shall be termed "domestic violence".

## III. COMPLAINT MECHANISMS

12. The law shall provide for victims, witnesses of domestic violence, family members and close associates of victims, State and private medical service providers and domestic violence assistance centres to complain of incidents of domestic violence to the police or file action in court.



**A. Duties of police officers**

13. The law shall provide that police officers shall respond to every request for assistance and protection in cases of alleged domestic violence.
14. Police officers shall not assign a lower priority to calls concerning alleged abuse by family and household members than to calls alleging similar abuse and violations by strangers.
15. Police shall respond at the scene of domestic violence when:
  - (a) The reporter indicates that violence is imminent or is in progress;
  - (b) The reporter indicates that an order relative to domestic violence is in effect and is likely to be breached;
  - (c) The reporter indicates that domestic violence has occurred previously.
16. The police shall respond promptly even where the reporter is not the victim of the violence but is a witness of the violence, a friend or a relative of the victim, or is a health provider or professional working at a domestic violence assistance centre.
17. On receiving the complaint the police shall:
  - (a) Interview the parties and witnesses, including children, in separate rooms to ensure an opportunity to speak freely;
  - (b) Record the complaint in detail;
  - (c) Advise the victim of her rights as outlined below;
  - (d) Fill out and file a domestic violence report as provided for by the law;
  - (e) Provide or arrange transport for the victim to the nearest hospital or medical facility for treatment, if it is required;
  - (f) Provide or arrange transport for the victim and the victim's children or dependents to a safe place or shelter, if it is required;
  - (g) Provide protection to the reporter of violence;
  - (h) Arrange for the removal of the offender from the home and, if that is not possible and if the victim is in continuing danger, arrest the offender.

**B. Alternative complaint procedure**

18. The victim, witness or reporter may file a complaint alleging an act of domestic violence in the judicial division where:
  - (a) The offender resides;
  - (b) The victim resides;
  - (c) Where the violence took place;
  - (d) Where the victim is temporarily residing if she has left her residence to avoid further abuse.
19. The victim may file a complaint alleging an act of domestic violence with a State or private health facility, which shall direct it to the police in the judicial division where that health facility is located.
20. A relative, friend or person from whom the victim requests assistance may file a complaint alleging an act of domestic violence with the police, who shall investigate it accordingly.

**C. Statement of the victim's rights**

21. The purpose of the statement of the victim's rights is to acquaint the victim with the legal remedies available to her during the initial stage when she complains of an infringement of her legal rights. It also outlines the duties of the police and the judiciary in relation to the victim:

- (a) The police officer shall communicate to the victim in a language understood by the victim, identifying himself or herself by name and badge number. The law requires that the police officer inform the victim of domestic violence that, if a crime is alleged to have been committed against her, the officer must either arrest the suspect immediately, persuade him to leave the household or remove him from the household;
- (b) The officer must drive the victim or help her find transport to a medical facility to have her injuries attended to;
- (c) If the victim wants to leave her residence the officer must help her to find transport to a safe place or shelter;
- (d) The officer shall take all reasonable steps to ensure that the victim and her dependents are safe;
- (e) The officer must provide the victim with a written statement of the legal procedures available to her, in a language that she understands. The statement must indicate that:
  - (i) The law provides that the victim may seek an ex parte restraining court order and/or a court order prohibiting further abuse against the victim, her dependents, anyone in her household or anyone from whom she requests assistance and refuge;
  - (ii) The restraining order and/or court order shall protect the victim's property or property held in common from destruction;
  - (iii) The restraining order may order the offender to vacate the family home;
  - (iv) In the event of the violence taking place during the night, at weekends or on public holidays, the victim must be informed of emergency relief measures to obtain a restraining order by calling the judge on duty;
  - (v) The victim need not hire a lawyer to get an ex parte restraining order or court order;
  - (vi) The offices of the clerk of the court shall provide forms and non-legal assistance to persons seeking to proceed with ex parte restraining orders or court orders. To obtain a court order, the victim must be advised to apply to the court in the prescribed district/jurisdiction;
  - (vii) The police shall serve the ex parte restraining order on the offender.

#### **D. Domestic violence report**

- 22. It shall be the duty of the police officer responding to a domestic violence call to complete a domestic violence report which shall be a part of the record. The report should be collated by the Department of Justice and (where applicable) the family court.
- 23. The domestic violence report shall be on a form prescribed by the police commissioner. It shall include but not be limited to:
  - (a) The relationship of the parties;
  - (b) The sex of the parties;
  - (c) Information regarding the occupational and educational levels of the parties;
  - (d) The time and date the complaint was received;
  - (e) The time the officer began investigation of the complaint;
  - (f) Whether children were involved and whether the domestic violence took place in the presence of children;
  - (g) The type and extent of the abuse;
  - (h) The number and type of weapons used;
  - (i) The amount of time taken in handling the case and the actions taken by the officer;

- (j) The effective date and terms of the order issued concerning the parties;
  - (k) Any other data necessary for a complete analysis of all the circumstances leading to the alleged incident of domestic violence.
24. It shall be the duty of the police commissioner to compile and report annually to the Departments of Justice/Women's Affairs and the Parliament all data collected from the domestic violence reports.
25. The annual report shall include but not be limited to:
- (a) The total number of reports received;
  - (b) The number of reports made by the victims of each sex;
  - (c) The number of reports investigated;
  - (d) The average time lapse in responding to each report;
  - (e) The type of police action taken in disposing cases including the number of arrests.

#### IV. DUTIES OF JUDICIAL OFFICERS

##### A. *Ex parte* temporary restraining order

26. An *ex parte* order may be issued on the application of a victim of violence in circumstances where the defendant chooses not to appear in court or cannot be summoned because he is in hiding. An *ex parte* order may contain a preliminary injunction against further violence and/or preventing the abuser/defendant from disturbing the victim/plaintiff's use of essential property, including the common home.
27. It is also recommended that a wider category of persons besides the victim of violence apply for a restraining order. It is conceivable that the victim may not be in a position to have access to the legal system. It is also conceivable that witnesses and persons offering assistance to the victim may also be in danger of violence.
28. Where a situation of grave danger exists to the life, health and well-being of the victim and she is unlikely to be safe until a court order is issued, the victim/plaintiff, a relative or welfare worker may apply to a judge or magistrate on duty to provide emergency relief, such as an *ex parte* temporary restraining order to be issued against the abuser within 24 hours of violence occurring.
29. The *ex parte* temporary restraining order may:
- (i) Compel the offender to vacate the family home;
  - (ii) Regulate the offender's access to dependent children;
  - (iii) Restrain the offender from contacting the victim at work or other places frequented by the victim;
  - (iv) Compel the offender to pay the victim's medical bills;
  - (v) Restrict the unilateral disposal of joint assets;
  - (vi) Inform the victim and the offender that if the offender violates the restraining order, he may be arrested and criminal charges brought against him;
  - (vii) Inform the victim that, notwithstanding the use of a restraining order under domestic violence legislation, she can request the prosecutor to file a criminal complaint against the offender;
  - (viii) Inform the victim that, notwithstanding the use of a restraining order under domestic violence legislation and application for criminal prosecution, she can initiate a civil process and sue for divorce, separation, damages or compensation;

- (xi) Require each party to fulfil his/her continuing duty to inform the court at each proceeding for an order of protection at any civil litigation, proceeding in juvenile court and/or criminal proceedings involving either party.
- 30. Emergency relief would include an ex parte temporary restraining order, to remain in effect until a court order is issued but for not more than 10 days after the ex parte temporary restraining order has been issued.
- 31. The plaintiff must be informed of the following:
  - (a) That, notwithstanding use of an ex parte restraining order under domestic violence legislation, she can apply for a court order to protect her from further violence or for a renewal of that court order, and/or request the prosecutor to file a criminal complaint against the defendant;
  - (b) That an application for an ex parte restraining order in no way affects her access to other civil remedies such as the right to apply for a judicial separation, divorce or compensation for damages;
  - (c) That, on 24 hours' notice to the plaintiff, the defendant may move for a dissolution or modification of the temporary restraining order.
- 32. Non-compliance with an ex parte restraining order shall result in prosecution for contempt of court proceedings, a fine and imprisonment.

**B. Protection orders**

- 33. Application for a protection order may be made by the victim, a relative, a welfare worker or person assisting the victim of domestic violence.
- 34. Application for protection orders may be made on the expiry of ex parte restraining orders or independently of such restraining orders.
- 35. Protection orders may operate to protect the victim, a relative, a welfare worker or person assisting the victim of domestic violence from further violence or threats of violence.
- 36. Judges should be required to conduct hearings within 10 days of the complaint and application for a protection order.
- 37. Judges should uphold the provisions outlined in the victim's statement of rights.
- 38. The court order may provide any or all of the following relief:
  - (a) Restrain the offender/defendant from causing further violence to the victim/plaintiff, her dependents, other relatives and persons who give her assistance from domestic abuse;
  - (b) Instruct the defendant to vacate the family home, without in any way ruling on the ownership of such property;
  - (c) Instruct the defendant to continue to pay the rent or mortgage and to pay maintenance to the plaintiff and their common dependents;
  - (d) Instruct the defendant to hand over the use of an automobile and/or other essential personal effects to the plaintiff;
  - (e) Regulate the defendant's access to dependent children;
  - (f) Restrain the defendant from contacting the plaintiff at work or other places frequented by the plaintiff;
  - (g) Upon finding that the defendant's use or possession of a weapon may pose a serious threat of harm to the plaintiff, prohibit the defendant from purchasing, using or possessing a firearm or any such weapon specified by the court;
  - (h) Instruct the defendant to pay the plaintiff's medical bills, counselling fees or shelter fees;
  - (i) Prohibit the unilateral disposition of joint assets;
  - (j) Inform the plaintiff and the defendant that, if the defendant violates the restraining order, he may be arrested with or without a warrant and criminal charges brought against him;

- (k) Inform the plaintiff that, notwithstanding the use of a restraining order under domestic violence legislation, she can request the prosecutor to file a criminal complaint against the defendant;
  - (l) Inform the plaintiff that, notwithstanding the use of a restraining order under domestic violence legislation, she can activate the civil process and sue for divorce, separation, damages or compensation;
  - (m) Conduct hearings in camera to protect the privacy of the parties.
39. The burden of proof in these proceedings is on the accused to demonstrate that such domestic violence did not take place.
  40. Judges should order the dispatch of copies of all protection/restraining orders issued to the police zones where the plaintiff and those protected by the order reside, within 24 hours of the issuing order.
  41. Compliance with protection orders shall be monitored by the police and the courts. Violation of a protection order is a crime. Non-compliance shall result in a fine, contempt of court proceedings and imprisonment.
  42. Where the plaintiff files an affidavit that she does not have the funds to pay the costs of filing for an ex parte restraining order or a protection order, the orders shall be filed without the payment of fees.
  43. Malafide and unjustified claims for a protection order may move the court to order the plaintiff to pay costs and damages to the defendant.

## **V. CRIMINAL PROCEEDINGS**

44. The prosecuting attorney or attorney-general shall develop, adopt and put into effect written procedures for officials prosecuting crimes of domestic violence.
45. When a court dismisses criminal charges in a crime involving domestic violence, the specific reasons for dismissal must be recorded in the court file.
46. In criminal actions concerning domestic violence, the prosecuting attorney shall charge in the information sheet that the alleged act is one of domestic violence.
47. The victim's testimony shall be sufficient for prosecution. No move to dismiss a complaint shall be made solely on the grounds of uncorroborated evidence.
48. Upon conviction for a domestic violence offence, the judgement shall so indicate the results of the case.
49. During the trial phase, the defendant accused of domestic violence shall have no unsupervised contact with the plaintiff.
50. The issue of a restraining order or protection order may be introduced as a material fact in subsequent criminal proceedings.
51. Depending on the nature of the offence, and where a defendant is charged for the first time with a minor domestic violence offence and pleads guilty, a deferred sentence and counselling may be imposed, along with a protection order, provided that the consent of the victim is obtained.
52. Upon conviction of a defendant for a serious crime of domestic violence, the court may order a term of incarceration and counselling.
53. Enhanced penalties are recommended in cases of domestic violence involving repeat offences, aggravated assault and the use of weapons.
54. Counselling shall not be recommended in lieu of a sentence in cases of aggravated assault.

55. Clear sentencing guidelines shall be established.

## VI. CIVIL PROCEEDINGS

56. A protection order may be issued while civil proceedings for divorce, judicial separation or compensation are pending.
57. In these circumstances, protection orders may be issued in addition to and not in lieu of civil proceedings.
58. Protection orders and restraining orders may be issued independently, unaccompanied by an application for divorce or judicial separation.
59. The issuance of a restraining order or protection order may be introduced as a material fact in subsequent civil proceedings.

## VII. PROVISION OF SERVICES

### A. Emergency services

60. The State must provide emergency services which shall include:
  - (i) Seventy-two hour crisis intervention services;
  - (ii) Constant access and intake to services;
  - (iii) Immediate transportation from the victim's home to a medical centre, shelter or safe haven;
  - (iv) Immediate medical attention;
  - (v) Emergency legal counselling and referrals;
  - (vi) Crisis counselling to provide support and assurance of safety;
  - (vii) Confidential handling of all contacts with victims of domestic violence and their families.

### B. Non-emergency services

61. States must provide non-emergency services which shall include:
  - (a) Delivery of services to assist in the long-term rehabilitation of victims of domestic violence through counselling, job training and referrals;
  - (b) Delivery of services to assist in the long-term rehabilitation of abusers through counselling;
  - (c) Programmes for domestic violence which are administered independently of welfare assistance programmes;
  - (d) Delivery of services in cooperation and coordination with public and private, State and local services and programmes.

### C. Training of police officials

62. The police department shall establish and maintain a police education and training programme for police officers to acquaint them with:
  - (a) The nature, extent, causes and consequences of domestic violence;
  - (b) The legal rights and remedies available to victims of domestic violence;
  - (c) The services and facilities available to victims and abusers;
  - (d) The legal duties imposed on police officers to make arrests and to offer protection and assistance;
  - (e) Techniques for handling incidents of domestic violence that minimise the likelihood of injury to the officer and promote the safety of the victim and her dependents.
63. Every police cadet should be trained to respond to domestic violence cases.

64. Special units should also be established where police officers receive intensive and specialised training to handle more complex cases.
65. Educators, psychologists and victims should participate in seminar programmes to sensitise the police.

**D. Training of judicial officers**

66. Provision shall be made to conduct on-going training programmes for judicial officers on the handling of domestic violence cases. Training shall include guidelines on:
  - (i) The issuing of *ex parte* restraining orders;
  - (ii) The issuing of protection orders;
  - (iii) Guidance to be given to victims on available legal remedies;
  - (iv) Sentencing guidelines.
67. Training shall include an initial course for a prescribed number of hours and an annual review for a prescribed number of hours.
68. Special family courts should also be established and the judiciary should be provided with intensive and specialised training to handle more complex cases.

**E. Training of counsellors**

69. States shall provide trained counsellors to support the police, judges, victims of domestic violence and perpetrators of violence.
70. The law shall mandate counselling programmes for perpetrators as a supplement to and not as an alternative to the criminal justice system.
71. Counselling programmes must be designed to:
  - (i) Help the perpetrator take responsibility for his violence and make a commitment not to inflict further violence;
  - (ii) Educate the perpetrator on the illegality of violence.
72. Funding for counselling and perpetrator programmes should not be taken from resources assigned to victims of violence.
73. The law should provide but not mandate counselling for victims of violence. Counselling for victims of violence must be:
  - (a) Provided as a free service;
  - (b) Empowering to the victim and assist her in deciding on short-term and long-term strategies to protect herself from further violence and to restore the normality of her life.

**Office of the United Nations High Commissioner for Human Rights**

Geneva, Switzerland

## europaan union resolution

Resolution on the report from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions on the state of women's health in the European Community (COM(97)0224 C4-0333/97)

*Official Journal C 175, 21/06/1999 P. 0068*

A4-0029/99

Resolution on the report from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions on the state of women's health in the European Community (COM(97)0224 - C4-0333/97)

The European Parliament,

- having regard to the report from the Commission (COM(97)0224 - C4-0333/97),
  - having regard to Articles 2, 3(k), 3(o), 3(s), 118, 118a1, 129, 129a1(b), 130f and 130r of the Treaty establishing the European Community,
  - having regard to Article 129 of the EC Treaty, as amended by the Treaty of Amsterdam (Article 152 of the consolidated version),
  - having regard to the Commission report on 'Gender, Power and Change in Health Institutions of the European Union' ((DG V, Unit 5, published by EUROSTAT, Luxembourg 1997, ISBN 92-828-1362-2.)),
  - having regard to the strategic health objectives approved at the 1995 UN Beijing Conference on Women and those approved at the UN Conference on Population and Development, held in Cairo in 1994,
  - having regard to the Commission's Second Report on the integration of health protection in Community policies (COM(96)0407),
  - having regard to the Commission's communication on the development of public health policy in the European Community (COM(98)0230),
  - having regard to the motion for a resolution by Mr White on introducing legislation to protect women against infection from tampon-related toxic shock syndrome (B4-0548/95),
  - having regard to the motion for a resolution by Mr Andrews and Mrs Daskalaki on women's health (B4-0819/97),
  - having regard to the report of the Committee on Women's Rights and the opinions of the Committee on the Environment, Public Health and Consumer Protection and the Committee on Research, Technological Development and Energy (A4-0260/98),
  - having regard to the second report of the Committee on Women's Rights (A4-0029/99),
- A. whereas the Commission's communication and whereas the conclusions of the International Congress on 'Women, Work and Health' (Barcelona, April 1997), both highlight the renewed interest in and importance of a gender-specific health policy,



- B. whereas a programme on Community action on health monitoring within the framework for action in the field of public health (1997-2001) was approved on 27 May 1997 with the objective of enabling measurements of health status and with a view to supporting and coordinating national health policies of the Member States,
- C. whereas the Commission's previous annual reports for the years 1994 and 1995 were more general and whereas a specific request was put forward to pay particular attention to certain areas of Community activities and their effects on public health, with specific attention to economic and social policies, including employment, agricultural and food policies, consumer policy, RTD, environment and transport,
- D. whereas the Commission's report is the first one to focus on women as a group with specific health characteristics and to recognise that women's health status is also determined to a large extent by socio-economic factors,
- E. whereas the collected data and statistics in the report on women's health have regrettably not been compared with those of men, thus making it difficult to judge what special measures could be taken for women in specific areas,
- F. whereas most Member States have been forced in recent years to make relative savings in their public expenditure on health and whereas it is accordingly important to pursue a health policy concentrating on prevention, early diagnosis and improving public health rather than on treatment,
- G. whereas individual costs for health care have risen substantially and whereas poorer income groups are relatively less healthy than higher income groups and have a higher mortality rate, while on the other hand in some Member States charges for health insurance systems no longer depend on the collective costs of health care but on the risks based on individual parameters,
- H. whereas mental ill-health causes widespread human suffering and major social losses, and whereas there are clear differences in the mental ill-health patterns between the sexes, depression affecting disproportionately women,
- I. whereas in the case of rare diseases and/or 'hidden' causes of diseases, including environmental contamination, due attention must be paid to gender-specific aspects,
- J. whereas the disease and death rates among women may decrease considerably as soon as women are provided with adequate information on prevention and whereas women may also channel the information on to men,
- K. whereas women in Europe on average live 5 years longer than men, and whereas middle-aged and elderly women are often beset with health problems such as cardiac and vascular disorders, cancer, osteoporosis and depression, which impair their quality of life; whereas the Fifth Framework Programme for Research and Technological Development foresees funded research to meet the challenge of ageing population,

**General**

- 1. Supports the Commission's initiative aimed at highlighting the fact that many health problems affect women only or that they affect women differently; calls accordingly for prevention measures and health promotion directed specifically at women; takes the view that 'mainstreaming' of both health and gender aspects into all Community policy areas is an important double challenge;
- 2. Urges the Commission to assess and take into account the gender impact in all health budgets, programmes and projects and calls urgently for health-related statistics broken down by gender; takes the view that this is all the more important with the enlargement of the Community as the accession countries with even greater public health problems participate in the Community health programmes;
- 3. Calls on the Commission to refer specifically to the topic of women's health in its new action programme on health; requires the Community Action Programme on Health Monitoring to address in particular the health indicators applicable to women;
- 4. Points out that the health status of women is affected to a higher degree than men inter alia by a number of socio-economic disparities such as lower living standards, higher unemployment rates, higher levels of social exclusion, the higher percentage of single mothers and single-person households, less social security coverage, lower pay overall, lower pensions and the burden of an uneven distribution of domestic

work; urges the Commission, therefore, to put more pressure on the Member States to implement the existing directives, programmes and projects dealing with the elimination of inequality in these areas ;

5. Notes that in absolute numbers women working in health care outnumber men but are strongly underrepresented in health care decision-making; is aware of studies which show that an increase in the number of women in high ranking positions has a substantial positive effect on health care, for instance with the shifting of measures from treatment to prevention;
6. Calls for attention to the 'new' illnesses such as eating disorders (anorexia, bulimia), given that they are on the rise among young women; urges the Member States to establish adequate and sufficient specialist care for these diseases and to provide for treatment prior to the stage at which these disorders become life-threatening;
7. Calls on the Member States to guarantee access to adequate health care for everyone residing in their territory, and especially in the remote and island regions, using funds from the 5th Research and Technological Development Programme for the deployment of new technologies such as telemedicine in such regions, and in particular to ensure that comprehensive protection is provided for health risks;

#### Reproductive health

8. Emphasises that high quality reproductive health services must be easily accessible and affordable to all women in the various stages of their reproductive lives; calls on the Commission to make a comparison of these services in the Member States and disseminate the best practices;
9. Urges the Commission to ensure that the value of regular examinations for breast and cervical cancer checks satisfy comparable quality criteria and that such examinations are available free of charge and repeated at regular intervals throughout the Community;
10. Considers that the Commission has dealt only summarily with the health consequences of the differences in the various Member States regarding abortion, and with the various measures which could be taken to reduce the number of abortions through programmes of sex education, the promotion of unrestricted availability of contraceptives and counselling, aimed especially at younger people;
11. Calls on the Member States to legalise induced abortion under certain conditions, at least in cases of forced pregnancy and rape, and where the health or life of the woman is endangered, on the principle that it must be the woman herself who takes the final decision, and to ensure that voluntary abortions are carried out in a medically safe way and that psychological and social support is provided;
12. Urges the Commission to ensure that attention is drawn to the advantages and disadvantages of hormonal treatments for menstrual and menopausal problems, and that alternatives to the are researched;
13. Requests the Commission to make an evaluation of existing research and to institute further independent research into the causes of toxic shock syndrome, to make this syndrome a notifiable disease in all Member States, and to ensure that a Code of Practice will apply to all tampon producers, entering into force no later than 1 January 2000, whereby the agreed minimum standards and requirements should apply also to exports and marketing in third countries, or if no agreement is reached by that date to put forward legislative proposals; requests it further to ensure that adequate health education about toxic shock syndrome is given both to girls considering using tampons and the medical staff responsible for diagnosing and treating any incidences of the disease;
14. Calls attention to the fact that women are choosing to give birth at a later age, which can entail certain health risks; urges the Member States to create the conditions to enable working life to be combined with parental responsibilities in view of this fact;
15. Calls on the Commission to ensure the respect throughout the Community of women's sexual rights as agreed in the UN Conference of Beijing in 1995, to everyone residing in the Community's territory;

#### Diseases which affect women differently

16. Urges the Commission to take into account the gender-specific characteristics of heart and cardiovascular diseases, diabetes, HIV, alcohol consumption and smoking in its health promotion programmes; calls for the introduction of gender-specific notices (warnings) in instruction leaflets, other than those relating to pregnancy and breast-feeding;

17. Calls on the Commission to improve the presently scarce data on mental health and disease in the Union, in order to undertake research on why women suffer more from chronic mental health problems such as depression than men, paying attention to such women-specific areas as pre-menstrual syndrome and post-natal depression and to create an awareness of appropriate treatments for depressive symptoms;
18. Urges the Commission to take measures against the practice in some Member States whereby health insurance firms or funds refuse in part to cover individuals due to gender-related risk-factors and to ensure that they refrain from charging sex-related premiums;
19. Calls on the Commission to consider the health and safety aspects of women-dominated jobs. For example, calling for more research into effects of long-term VDU screen use, the incidence of repetitive strain injury amongst women and the aetiology of back injuries amongst carers;
20. Calls on the Commission to come forward with a proposal to revise the directive on cosmetic products to include declarations for the content of perfume in order to prevent a further increase in perfume allergy;
21. Calls on the Commission to study the particular effects which environmental pollution has on women's health (endometriosis);

### **Violence against women**

22. Calls on the Commission to add into the programmes of health promotion coping with violence against women, which is a serious physical and psychological public health problem having damaging effects also on concerned children's healthy development, and to promote research of and to incorporate health aspects into Community financed campaigns on violence against women;
23. Calls on the Member States to make domestic violence against women, including rape within marriage and sexual mutilation, a criminal offence and to set up services to help women who are victims of this kind of violence;

### **Health needs of ageing women**

24. Urges the Commission to recognise in all health-related actions that women will increasingly make up the majority of senior citizens and that they have greater health needs, which must be reflected in health policies and services and in the organisation of care;
25. Emphasises the importance of prevention of disease and the promotion of healthier lifestyles (exercise, healthy nutrition etc.); calls on the Commission to focus on the prevention and screening of obesity, osteoporosis, diabetes, heart disease and cancer through national campaigns;
26. Expresses special concern on the lack of adequate response to the needs of persons, increasingly women due to their higher life expectancy rates, suffering from Alzheimer's disease and other similar syndromes which impair their ability to face old age in human dignity; calls for the creation of small-scale units throughout the Community;
27. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States, the European social partners, the University of Limerick and the World Health Organisation.

**declaration on the elimination of violence against women  
g.a. res. 48/104, 48 united nations g.a.o.r. supp. (no. 49) at 217,  
united nations doc. a/48/49 (1993).**

**The General Assembly,**

Recognising the urgent need for the universal application to women of the rights and principles with regard to equality, security, liberty, integrity and dignity of all human beings,

Noting that those rights and principles are enshrined in international instruments, including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

Recognising that effective implementation of the Convention on the Elimination of All Forms of Discrimination against Women would contribute to the elimination of violence against women and that the Declaration on the Elimination of Violence against Women, set forth in the present resolution, will strengthen and complement that process,

Concerned that violence against women is an obstacle to the achievement of equality, development and peace, as recognised in the Nairobi Forward-looking Strategies for the Advancement of Women, in which a set of measures to combat violence against women was recommended, and to the full implementation of the Convention on the Elimination of All Forms of Discrimination against Women,

Affirming that violence against women constitutes a violation of the rights and fundamental freedoms of women and impairs or nullifies their enjoyment of those rights and freedoms, and concerned about the long-standing failure to protect and promote those rights and freedoms in the case of violence against women,

Recognising that violence against women is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of the full advancement of women, and that violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men,

Concerned that some groups of women, such as women belonging to minority groups, indigenous women, refugee women, migrant women, women living in rural or remote communities, destitute women, women in institutions or in detention, female children, women with disabilities, elderly women and women in situations of armed conflict, are especially vulnerable to violence,

Recalling the conclusion in paragraph 23 of the annex to Economic and Social Council resolution 1990/15 of 24 May 1990 that the recognition that violence against women in the family and society was pervasive and cut across lines of income, class and culture had to be matched by urgent and effective steps to eliminate its incidence,

Recalling also Economic and Social Council resolution 1991/18 of 30 May 1991, in which the Council recommended the development of a framework for an international instrument that would address explicitly the issue of violence against women,

Welcoming the role that women's movements are playing in drawing increasing attention to the nature, severity and magnitude of the problem of violence against women,

Alarmed that opportunities for women to achieve legal, social, political and economic equality in society are limited, inter alia, by continuing and endemic violence,

Convinced that in the light of the above there is a need for a clear and comprehensive definition of violence against women, a clear statement of the rights to be applied to ensure the elimination of violence against women in all its forms, a commitment by States in respect of their responsibilities, and a commitment by the international community at large to the elimination of violence against women,

Solemnly proclaims the following Declaration on the Elimination of Violence against Women and urges that every effort be made so that it becomes generally known and respected:

### ***Article 1***

For the purposes of this Declaration, the term "violence against women" means 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.

### ***Article 2***

Violence against women shall be understood to encompass, but not be limited to, the following:

- (a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, 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.

### ***Article 3***

Women are entitled to the equal enjoyment and protection of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. These rights include, inter alia:

- (a) The right to life;
- (b) The right to equality;
- (c) The right to liberty and security of person;
- (d) The right to equal protection under the law;
- (e) The right to be free from all forms of discrimination;
- (f) The right to the highest standard attainable of physical and mental health;

- (g) The right to just and favourable conditions of work;
- (h) The right not to be subjected to torture, or other cruel, inhuman or degrading treatment or punishment.

#### **Article 4**

States should condemn violence against women and should not invoke any custom, tradition or religious consideration to avoid their obligations with respect to its elimination. States should pursue by all appropriate means and without delay a policy of eliminating violence against women and, to this end, should:

- (a) Consider, where they have not yet done so, ratifying or acceding to the Convention on the Elimination of All Forms of Discrimination against Women or withdrawing reservations to that Convention;
- (b) Refrain from engaging in violence against women;
- (c) 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;
- (d) Develop penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs caused to women who are subjected to violence; women who are subjected to violence should be provided with access to the mechanisms of justice and, as provided for by national legislation, to just and effective remedies for the harm that they have suffered; States should also inform women of their rights in seeking redress through such mechanisms;
- (e) Consider the possibility of developing national plans of action to promote the protection of women against any form of violence, or to include provisions for that purpose in plans already existing, taking into account, as appropriate, such cooperation as can be provided by non-governmental organisations, particularly those concerned with the issue of violence against women;
- (f) Develop, in a comprehensive way, preventive approaches and all those measures of a legal, political, administrative and cultural nature that promote the protection of women against any form of violence, and ensure that the re-victimisation of women does not occur because of laws insensitive to gender considerations, enforcement practices or other interventions;
- (g) Work to ensure, to the maximum extent feasible in the light of their available resources and, where needed, within the framework of international cooperation, that women subjected to violence and, where appropriate, their children have specialised assistance, such as rehabilitation, assistance in child care and maintenance, treatment, counselling, and health and social services, facilities and programmes, as well as support structures, and should take all other appropriate measures to promote their safety and physical and psychological rehabilitation;
- (h) Include in government budgets adequate resources for their activities related to the elimination of violence against women;
- (i) Take measures to ensure that law enforcement officers and public officials responsible for implementing policies to prevent, investigate and punish violence against women receive training to sensitise them to the needs of women;
- (j) Adopt all appropriate measures, especially in the field of education, to modify the social and cultural patterns of conduct of men and women and to eliminate prejudices, customary practices and all other practices based on the idea of the inferiority or superiority of either of the sexes and on stereotyped roles for men and women;
- (k) Promote research, collect data and compile statistics, especially concerning domestic violence, relating to the prevalence of different forms of violence against women and encourage research on the causes, nature, seriousness and consequences of violence against women and on the effectiveness of measures implemented to prevent and redress violence against women; those statistics and findings of the research will be made public;
- (l) Adopt measures directed towards the elimination of violence against women who are especially vulnerable to violence;

- (m) Include, in submitting reports as required under relevant human rights instruments of the United Nations, information pertaining to violence against women and measures taken to implement the present Declaration;
- (n) Encourage the development of appropriate guidelines to assist in the implementation of the principles set forth in the present Declaration;
- (o) Recognise the important role of the women's movement and non-governmental organisations world wide in raising awareness and alleviating the problem of violence against women;
- (p) Facilitate and enhance the work of the women's movement and non-governmental organisations and cooperate with them at local, national and regional levels;
- (q) Encourage intergovernmental regional organisations of which they are members to include the elimination of violence against women in their programmes, as appropriate.

### ***Article 5***

The organs and specialised agencies of the United Nations system should, within their respective fields of competence, contribute to the recognition and realisation of the rights and the principles set forth in the present Declaration and, to this end, should, inter alia:


- (a) Foster international and regional cooperation with a view to defining regional strategies for combating violence, exchanging experiences and financing programmes relating to the elimination of violence against women;
- (b) Promote meetings and seminars with the aim of creating and raising awareness among all persons of the issue of the elimination of violence against women;
- (c) Foster coordination and exchange within the United Nations system between human rights treaty bodies to address the issue of violence against women effectively;
- (d) Include in analyses prepared by organisations and bodies of the United Nations system of social trends and problems, such as the periodic reports on the world social situation, examination of trends in violence against women;
- (e) Encourage coordination between organisations and bodies of the United Nations system to incorporate the issue of violence against women into ongoing programmes, especially with reference to groups of women particularly vulnerable to violence;
- (f) Promote the formulation of guidelines or manuals relating to violence against women, taking into account the measures referred to in the present Declaration;
- (g) Consider the issue of the elimination of violence against women, as appropriate, in fulfilling their mandates with respect to the implementation of human rights instruments;
- (h) Cooperate with non-governmental organisations in addressing the issue of violence against women.

### ***Article 6***

Nothing in the present Declaration shall affect any provision that is more conducive to the elimination of violence against women that may be contained in the legislation of a State or in any international convention, treaty or other instrument in force in a State.



## vienna declaration and programme of action 1993

<p style="font-size: 24pt; font-weight: bold; margin: 0;">UNITED NATIONS</p>	<p style="font-size: 36pt; font-weight: bold; margin: 0;">A</p>
<div style="display: flex; align-items: center;">  <p style="font-size: 24pt; font-weight: bold; margin: 0;">General Assembly</p> </div>	<p>Distr. GENERAL A/CONF.157/23</p> <p>12 July 1993</p> <p>Original: ENGLISH</p>

WORLD CONFERENCE ON HUMAN RIGHTS

Vienna, 14-25 June 1993

VIENNA DECLARATION AND PROGRAMME OF ACTION

Note by the secretariat

Attached is the text of the Vienna Declaration and Programme of Action, as adopted by the World Conference on Human Rights on 25 June 1993.

VIENNA DECLARATION AND PROGRAMME OF ACTION

The World Conference on Human Rights,

Considering that the promotion and protection of human rights is a matter of priority for the international community, and that the Conference affords a unique opportunity to carry out a comprehensive analysis of the international human rights system and of the machinery for the protection of human rights, in order to enhance and thus promote a fuller observance of those rights, in a just and balanced manner,

Recognising and affirming that all human rights derive from the dignity and worth inherent in the human person, and that the human person is the central subject of human rights and fundamental freedoms, and consequently should be the principal beneficiary and should participate actively in the realisation of these rights and freedoms,

Reaffirming their commitment to the purposes and principles contained in the Charter of the United Nations and the Universal Declaration of Human Rights,



## domestic violence and the law

Reaffirming the commitment contained in Article 56 of the Charter of the United Nations to take joint and separate action, placing proper emphasis on developing effective international cooperation for the realisation of the purposes set out in Article 55, including universal respect for, and observance of, human rights and fundamental freedoms for all,

Emphasising the responsibilities of all States, in conformity with the Charter of the United Nations, to develop and encourage respect for human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

Recalling the Preamble to the Charter of the United Nations, in particular the determination to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, and in the equal rights of men and women and of nations large and small,

Recalling also the determination expressed in the Preamble of the Charter of the United Nations to save succeeding generations from the scourge of war, to establish conditions under which justice and respect for obligations arising from treaties and other sources of international law can be maintained, to promote social progress and better standards of life in larger freedom, to practice tolerance and good neighbourliness, and to employ international machinery for the promotion of the economic and social advancement of all peoples,

Emphasising that the Universal Declaration of Human Rights, which constitutes a common standard of achievement for all peoples and all nations, is the source of inspiration and has been the basis for the United Nations in making advances in standard setting as contained in the existing international human rights instruments, in particular the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

Considering the major changes taking place on the international scene and the aspirations of all the peoples for an international order based on the principles enshrined in the Charter of the United Nations, including promoting and encouraging respect for human rights and fundamental freedoms for all and respect for the principle of equal rights and self-determination of peoples, peace, democracy, justice, equality, rule of law, pluralism, development, better standards of living and solidarity,

Deeply concerned by various forms of discrimination and violence, to which women continue to be exposed all over the world,

Recognising that the activities of the United Nations in the field of human rights should be rationalised and enhanced in order to strengthen the United Nations machinery in this field and to further the objectives of universal respect for observance of international human rights standards,

Having taken into account the Declarations adopted by the three regional meetings at Tunis, San José and Bangkok and the contributions made by Governments, and bearing in mind the suggestions made by inter-governmental and non-governmental organisations, as well as the studies prepared by independent experts during the preparatory process leading to the World Conference on Human Rights,

Welcoming the International Year of the World's Indigenous People 1993 as a reaffirmation of the commitment of the international community to ensure their enjoyment of all human rights and fundamental freedoms and to respect the value and diversity of their cultures and identities,

Recognising also that the international community should devise ways and means to remove the current obstacles and meet challenges to the full realisation of all human rights and to prevent the continuation of human rights violations resulting thereof throughout the world,

Invoking the spirit of our age and the realities of our time which call upon the peoples of the world and all States Members of the United Nations to rededicate themselves to the global task of promoting and protecting all human rights and fundamental freedoms so as to secure full and universal enjoyment of these rights,

Determined to take new steps forward in the commitment of the international community with a view to achieving substantial progress in human rights endeavours by an increased and sustained effort of international cooperation and solidarity,

Solemnly adopts the Vienna Declaration and Programme of Action.

## I

1. The World Conference on Human Rights reaffirms the solemn commitment of all States to fulfil their obligations to promote universal respect for, and observance and protection of, all human rights and fundamental freedoms for all in accordance with the Charter of the United Nations, other instruments relating to human rights, and international law. The universal nature of these rights and freedoms is beyond question.

In this framework, enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations.

Human rights and fundamental freedoms are the birthright of all human beings; their protection and promotion is the first responsibility of Governments.

2. All peoples have the right of self-determination. By virtue of that right they freely determine their political status, and freely pursue their economic, social and cultural development.

Taking into account the particular situation of peoples under colonial or other forms of alien domination or foreign occupation, the World Conference on Human Rights recognises the right of peoples to take any legitimate action, in accordance with the Charter of the United Nations, to realise their inalienable right of self-determination. The World Conference on Human Rights considers the denial of the right of self-determination as a violation of human rights and underlines the importance of the effective realisation of this right.

In accordance with the Declaration on Principles of International Law concerning Friendly Relations and Cooperation Among States in accordance with the Charter of the United Nations, this shall not be construed as authorising or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the principle of equal rights and self-determination of peoples and thus possessed of a Government representing the whole people belonging to the territory without distinction of any kind.

3. Effective international measures to guarantee and monitor the implementation of human rights standards should be taken in respect of people under foreign occupation, and effective legal protection against the violation of their human rights should be provided, in accordance with human rights norms and international law, particularly the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 14 August 1949, and other applicable norms of humanitarian law.
4. The promotion and protection of all human rights and fundamental freedoms must be considered as a priority objective of the United Nations in accordance with its purposes and principles, in particular the purpose of international cooperation. In the framework of these purposes and principles, the promotion and protection of all human rights is a legitimate concern of the international community. The organs and specialised agencies related to human rights should therefore further enhance the co-ordination of their activities based on the consistent and objective application of international human rights instruments.
5. All human rights are universal, indivisible and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis. While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms.
6. The efforts of the United Nations system towards the universal respect for, and observance of, human rights and fundamental freedoms for all, contribute to the stability and well-being necessary for peaceful and friendly relations among nations, and to improved conditions for peace and security as well as social and economic development, in conformity with the Charter of the United Nations.
7. The processes of promoting and protecting human rights should be conducted in conformity with the purposes and principles of the Charter of the United Nations, and international law.

8. Democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing. Democracy is based on the freely expressed will of the people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives. In the context of the above, the promotion and protection of human rights and fundamental freedoms at the national and international levels should be universal and conducted without conditions attached. The international community should support the strengthening and promoting of democracy, development and respect for human rights and fundamental freedoms in the entire world.
9. The World Conference on Human Rights reaffirms that least developed countries committed to the process of democratisation and economic reforms, many of which are in Africa, should be supported by the international community in order to succeed in their transition to democracy and economic development.
10. The World Conference on Human Rights reaffirms the right to development, as established in the Declaration on the Right to Development, as a universal and inalienable right and an integral part of fundamental human rights.

As stated in the Declaration on the Right to Development, the human person is the central subject of development.

While development facilitates the enjoyment of all human rights, the lack of development may not be invoked to justify the abridgement of internationally recognised human rights.

States should cooperate with each other in ensuring development and eliminating obstacles to development. The international community should promote an effective international cooperation for the realisation of the right to development and the elimination of obstacles to development.

Lasting progress towards the implementation of the right to development requires effective development policies at the national level, as well as equitable economic relations and a favourable economic environment at the international level.

11. The right to development should be fulfilled so as to meet equitably the developmental and environmental needs of present and future generations. The World Conference on Human Rights recognises that illicit dumping of toxic and dangerous substances and waste potentially constitutes a serious threat to the human rights to life and health of everyone.

Consequently, the World Conference on Human Rights calls on all States to adopt and vigorously implement existing conventions relating to the dumping of toxic and dangerous products and waste and to cooperate in the prevention of illicit dumping.

Everyone has the right to enjoy the benefits of scientific progress and its applications. The World Conference on Human Rights notes that certain advances, notably in the biomedical and life sciences as well as in information technology, may have potentially adverse consequences for the integrity, dignity and human rights of the individual, and calls for international cooperation to ensure that human rights and dignity are fully respected in this area of universal concern

12. The World Conference on Human Rights calls upon the international community to make all efforts to help alleviate the external debt burden of developing countries, in order to supplement the efforts of the Governments of such countries to attain the full realisation of the economic, social and cultural rights of their people.
13. There is a need for States and international organisations, in cooperation with non-governmental organisations, to create favourable conditions at the national, regional and international levels to ensure the full and effective enjoyment of human rights. States should eliminate all violations of human rights and their causes, as well as obstacles to the enjoyment of these rights.
14. The existence of widespread extreme poverty inhibits the full and effective enjoyment of human rights; its immediate alleviation and eventual elimination must remain a high priority for the international community.

15. Respect for human rights and for fundamental freedoms without distinction of any kind is a fundamental rule of international human rights law. The speedy and comprehensive elimination of all forms of racism and racial discrimination, xenophobia and related intolerance is a priority task for the international community. Governments should take effective measures to prevent and combat them. Groups, institutions, intergovernmental and non-governmental organisations and individuals are urged to intensify their efforts in cooperating and coordinating their activities against these evils.
16. The World Conference on Human Rights welcomes the progress made in dismantling apartheid and calls upon the international community and the United Nations system to assist in this process.  
The World Conference on Human Rights also deplores the continuing acts of violence aimed at undermining the quest for a peaceful dismantling of apartheid.
17. The acts, methods and practices of terrorism in all its forms and manifestations as well as linkage in some countries to drug trafficking are activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening territorial integrity, security of States and destabilising legitimately constituted Governments. The international community should take the necessary steps to enhance cooperation to prevent and combat terrorism.
18. The human rights of women and of the girl-child are an inalienable, integral and indivisible part of universal human rights. The full and equal participation of women in political, civil, economic, social and cultural life, at the national, regional and international levels, and the eradication of all forms of discrimination on grounds of sex are priority objectives of the international community.  
Gender-based violence and all forms of sexual harassment and exploitation, including those resulting from cultural prejudice and international trafficking, are incompatible with the dignity and worth of the human person, and must be eliminated. This can be achieved by legal measures and through national action and international cooperation in such fields as economic and social development, education, safe maternity and health care, and social support.  
The human rights of women should form an integral part of the United Nations human rights activities, including the promotion of all human rights instruments relating to women.  
The World Conference on Human Rights urges Governments, institutions, intergovernmental and non-governmental organisations to intensify their efforts for the protection and promotion of human rights of women and the girl-child.
19. Considering the importance of the promotion and protection of the rights of persons belonging to minorities and the contribution of such promotion and protection to the political and social stability of the States in which such persons live,  
The World Conference on Human Rights reaffirms the obligation of States to ensure that persons belonging to minorities may exercise fully and effectively all human rights and fundamental freedoms without any discrimination and in full equality before the law in accordance with the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.  
The persons belonging to minorities have the right to enjoy their own culture, to profess and practise their own religion and to use their own language in private and in public, freely and without interference or any form of discrimination.
20. The World Conference on Human Rights recognises the inherent dignity and the unique contribution of indigenous people to the development and plurality of society and strongly reaffirms the commitment of the international community to their economic, social and cultural well-being and their enjoyment of the fruits of sustainable development. States should ensure the full and free participation of indigenous people in all aspects of society, in particular in matters of concern to them. Considering the importance of the promotion and protection of the rights of indigenous people, and the contribution of such promotion and protection to the political and social stability of the States in which such people live, States should, in accordance with international law, take concerted positive steps to ensure respect for all human rights and fundamental freedoms of indigenous people, on the basis of equality and non-discrimination, and recognise the value and diversity of their distinct identities, cultures and social organisation.

21. The World Conference on Human Rights, welcoming the early ratification of the Convention on the Rights of the Child by a large number of States and noting the recognition of the human rights of children in the World Declaration on the Survival, Protection and Development of Children and Plan of Action adopted by the World Summit for Children, urges universal ratification of the Convention by 1995 and its effective implementation by States parties through the adoption of all the necessary legislative, administrative and other measures and the allocation to the maximum extent of the available resources. In all actions concerning children, non-discrimination and the best interest of the child should be primary considerations and the views of the child given due weight. National and international mechanisms and programmes should be strengthened for the defence and protection of children, in particular, the girl-child, abandoned children, street children, economically and sexually exploited children, including through child pornography, child prostitution or sale of organs, children victims of diseases including acquired immunodeficiency syndrome, refugee and displaced children, children in detention, children in armed conflict, as well as children victims of famine and drought and other emergencies. International cooperation and solidarity should be promoted to support the implementation of the Convention and the rights of the child should be a priority in the United Nations system-wide action on human rights.

The World Conference on Human Rights also stresses that the child for the full and harmonious development of his or her personality should grow up in a family environment which accordingly merits broader protection.

22. Special attention needs to be paid to ensuring non-discrimination, and the equal enjoyment of all human rights and fundamental freedoms by disabled persons, including their active participation in all aspects of society.
23. The World Conference on Human Rights reaffirms that everyone, without distinction of any kind, is entitled to the right to seek and to enjoy in other countries asylum from persecution, as well as the right to return to one's own country. In this respect it stresses the importance of the Universal Declaration of Human Rights, the 1951 Convention relating to the Status of Refugees, its 1967 Protocol and regional instruments. It expresses its appreciation to States that continue to admit and host large numbers of refugees in their territories, and to the Office of the United Nations High Commissioner for Refugees for its dedication to its task. It also expresses its appreciation to the United Nations Relief and Works Agency for Palestine Refugees in the Near East.

The World Conference on Human Rights recognises that gross violations of human rights, including in armed conflicts, are among the multiple and complex factors leading to displacement of people.

The World Conference on Human Rights recognises that, in view of the complexities of the global refugee crisis and in accordance with the Charter of the United Nations, relevant international instruments and international solidarity and in the spirit of burden-sharing, a comprehensive approach by the international community is needed in coordination and cooperation with the countries concerned and relevant organisations, bearing in mind the mandate of the United Nations High Commissioner for Refugees. This should include the development of strategies to address the root causes and effects of movements of refugees and other displaced persons, the strengthening of emergency preparedness and response mechanisms, the provision of effective protection and assistance, bearing in mind the special needs of women and children, as well as the achievement of durable solutions, primarily through the preferred solution of dignified and safe voluntary repatriation, including solutions such as those adopted by the international refugee conferences. The World Conference on Human Rights underlines the responsibilities of States, particularly as they relate to the countries of origin.

In the light of the comprehensive approach, the World Conference on Human Rights emphasises the importance of giving special attention including through intergovernmental and humanitarian organisations and finding lasting solutions to questions related to internally displaced persons including their voluntary and safe return and rehabilitation.

In accordance with the Charter of the United Nations and the principles of humanitarian law, the World Conference on Human Rights further emphasises the importance of and the need for humanitarian assistance to victims of all natural and man-made disasters.



24. Great importance must be given to the promotion and protection of the human rights of persons belonging to groups which have been rendered vulnerable, including migrant workers, the elimination of all forms of discrimination against them, and the strengthening and more effective implementation of existing human rights instruments. States have an obligation to create and maintain adequate measures at the national level, in particular in the fields of education, health and social support, for the promotion and protection of the rights of persons in vulnerable sectors of their populations and to ensure the participation of those among them who are interested in finding a solution to their own problems.
25. The World Conference on Human Rights affirms that extreme poverty and social exclusion constitute a violation of human dignity and that urgent steps are necessary to achieve better knowledge of extreme poverty and its causes, including those related to the problem of development, in order to promote the human rights of the poorest, and to put an end to extreme poverty and social exclusion and to promote the enjoyment of the fruits of social progress. It is essential for States to foster participation by the poorest people in the decision-making process by the community in which they live, the promotion of human rights and efforts to combat extreme poverty.
26. The World Conference on Human Rights welcomes the progress made in the codification of human rights instruments, which is a dynamic and evolving process, and urges the universal ratification of human rights treaties. All States are encouraged to accede to these international instruments; all States are encouraged to avoid, as far as possible, the resort to reservations.
27. Every State should provide an effective framework of remedies to redress human rights grievances or violations. The administration of justice, including law enforcement and prosecutorial agencies and, especially, an independent judiciary and legal profession in full conformity with applicable standards contained in international human rights instruments, are essential to the full and non-discriminatory realisation of human rights and indispensable to the processes of democracy and sustainable development. In this context, institutions concerned with the administration of justice should be properly funded, and an increased level of both technical and financial assistance should be provided by the international community. It is incumbent upon the United Nations to make use of special programmes of advisory services on a priority basis for the achievement of a strong and independent administration of justice.
28. The World Conference on Human Rights expresses its dismay at massive violations of human rights especially in the form of genocide, "ethnic cleansing" and systematic rape of women in war situations, creating mass exodus of refugees and displaced persons. While strongly condemning such abhorrent practices it reiterates the call that perpetrators of such crimes be punished and such practices immediately stopped.
29. The World Conference on Human Rights expresses grave concern about continuing human rights violations in all parts of the world in disregard of standards as contained in international human rights instruments and international humanitarian law and about the lack of sufficient and effective remedies for the victims.

The World Conference on Human Rights is deeply concerned about violations of human rights during armed conflicts, affecting the civilian population, especially women, children, the elderly and the disabled. The Conference therefore calls upon States and all parties to armed conflicts strictly to observe international humanitarian law, as set forth in the Geneva Conventions of 1949 and other rules and principles of international law, as well as minimum standards for protection of human rights, as laid down in international conventions.

The World Conference on Human Rights reaffirms the right of the victims to be assisted by humanitarian organisations, as set forth in the Geneva Conventions of 1949 and other relevant instruments of international humanitarian law, and calls for the safe and timely access for such assistance.

30. The World Conference on Human Rights also expresses its dismay and condemnation that gross and systematic violations and situations that constitute serious obstacles to the full enjoyment of all human rights continue to occur in different parts of the world. Such violations and obstacles include, as well as torture and cruel, inhuman and degrading treatment or punishment, summary and arbitrary execu-

tions, disappearances, arbitrary detentions, all forms of racism, racial discrimination and apartheid, foreign occupation and alien domination, xenophobia, poverty, hunger and other denials of economic, social and cultural rights, religious intolerance, terrorism, discrimination against women and lack of the rule of law.

31. The World Conference on Human Rights calls upon States to refrain from any unilateral measure not in accordance with international law and the Charter of the United Nations that creates obstacles to trade relations among States and impedes the full realisation of the human rights set forth in the Universal Declaration of Human Rights and international human rights instruments, in particular the rights of everyone to a standard of living adequate for their health and well-being, including food and medical care, housing and the necessary social services. The World Conference on Human Rights affirms that food should not be used as a tool for political pressure.
32. The World Conference on Human Rights reaffirms the importance of ensuring the universality, objectivity and non-selectivity of the consideration of human rights issues.
33. The World Conference on Human Rights reaffirms that States are duty-bound, as stipulated in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights and in other international human rights instruments, to ensure that education is aimed at strengthening the respect of human rights and fundamental freedoms. The World Conference on Human Rights emphasises the importance of incorporating the subject of human rights education programmes and calls upon States to do so. Education should promote understanding, tolerance, peace and friendly relations between the nations and all racial or religious groups and encourage the development of United Nations activities in pursuance of these objectives. Therefore, education on human rights and the dissemination of proper information, both theoretical and practical, play an important role in the promotion and respect of human rights with regard to all individuals without distinction of any kind such as race, sex, language or religion, and this should be integrated in the education policies at the national as well as international levels. The World Conference on Human Rights notes that resource constraints and institutional inadequacies may impede the immediate realisation of these objectives.
34. Increased efforts should be made to assist countries which so request to create the conditions whereby each individual can enjoy universal human rights and fundamental freedoms. Governments, the United Nations system as well as other multilateral organisations are urged to increase considerably the resources allocated to programmes aiming at the establishment and strengthening of national legislation, national institutions and related infrastructures which uphold the rule of law and democracy, electoral assistance, human rights awareness through training, teaching and education, popular participation and civil society.

The programmes of advisory services and technical cooperation under the Centre for Human Rights should be strengthened as well as made more efficient and transparent and thus become a major contribution to improving respect for human rights. States are called upon to increase their contributions to these programmes, both through promoting a larger allocation from the United Nations regular budget, and through voluntary contributions.

35. The full and effective implementation of United Nations activities to promote and protect human rights must reflect the high importance accorded to human rights by the Charter of the United Nations and the demands of the United Nations human rights activities, as mandated by Member States. To this end, United Nations human rights activities should be provided with increased resources.
36. The World Conference on Human Rights reaffirms the important and constructive role played by national institutions for the promotion and protection of human rights, in particular in their advisory capacity to the competent authorities, their role in remedying human rights violations, in the dissemination of human rights information, and education in human rights.

The World Conference on Human Rights encourages the establishment and strengthening of national institutions, having regard to the "Principles relating to the status of national institutions" and recognising that it is the right of each State to choose the framework which is best suited to its particular needs at the national level.

37. Regional arrangements play a fundamental role in promoting and protecting human rights. They should reinforce universal human rights standards, as contained in international human rights instruments, and their protection. The World Conference on Human Rights endorses efforts under way to strengthen these arrangements and to increase their effectiveness, while at the same time stressing the importance of cooperation with the United Nations human rights activities.

The World Conference on Human Rights reiterates the need to consider the possibility of establishing regional and subregional arrangements for the promotion and protection of human rights where they do not already exist.

38. The World Conference on Human Rights recognises the important role of non-governmental organisations in the promotion of all human rights and in humanitarian activities at national, regional and international levels. The World Conference on Human Rights appreciates their contribution to increasing public awareness of human rights issues, to the conduct of education, training and research in this field, and to the promotion and protection of all human rights and fundamental freedoms. While recognising that the primary responsibility for standard-setting lies with States, the conference also appreciates the contribution of non-governmental organisations to this process. In this respect, the World Conference on Human Rights emphasises the importance of continued dialogue and cooperation between Governments and non-governmental organisations. Non-governmental organisations and their members genuinely involved in the field of human rights should enjoy the rights and freedoms recognised in the Universal Declaration of Human Rights, and the protection of the national law. These rights and freedoms may not be exercised contrary to the purposes and principles of the United Nations. Non-governmental organisations should be free to carry out their human rights activities, without interference, within the framework of national law and the Universal Declaration of Human Rights.
39. Underlining the importance of objective, responsible and impartial information about human rights and humanitarian issues, the World Conference on Human Rights encourages the increased involvement of the media, for whom freedom and protection should be guaranteed within the framework of national law.

## II

### A. Increased coordination on human rights within the United Nations system

1. The World Conference on Human Rights recommends increased coordination in support of human rights and fundamental freedoms within the United Nations system. To this end, the World Conference on Human Rights urges all United Nations organs, bodies and the specialised agencies whose activities deal with human rights to cooperate in order to strengthen, rationalise and streamline their activities, taking into account the need to avoid unnecessary duplication. The World Conference on Human Rights also recommends to the Secretary-General that high-level officials of relevant United Nations bodies and specialised agencies at their annual meeting, besides coordinating their activities, also assess the impact of their strategies and policies on the enjoyment of all human rights.
2. Furthermore, the World Conference on Human Rights calls on regional organisations and prominent international and regional finance and development institutions to assess also the impact of their policies and programmes on the enjoyment of human rights.
3. The World Conference on Human Rights recognises that relevant specialised agencies and bodies and institutions of the United Nations system as well as other relevant intergovernmental organisations whose activities deal with human rights play a vital role in the formulation, promotion and implementation of human rights standards, within their respective mandates, and should take into account the outcome of the World Conference on Human Rights within their fields of competence.
4. The World Conference on Human Rights strongly recommends that a concerted effort be made to encourage and facilitate the ratification of and accession or succession to international human rights treaties and protocols adopted within the framework of the United Nations system with the aim of universal acceptance. The Secretary-General, in consultation with treaty bodies, should consider opening



a dialogue with States not having acceded to these human rights treaties, in order to identify obstacles and to seek ways of overcoming them.

5. The World Conference on Human Rights encourages States to consider limiting the extent of any reservations they lodge to international human rights instruments, formulate any reservations as precisely and narrowly as possible, ensure that none is incompatible with the object and purpose of the relevant treaty and regularly review any reservations with a view to withdrawing them.
6. The World Conference on Human Rights, recognising the need to maintain consistency with the high quality of existing international standards and to avoid proliferation of human rights instruments, reaffirms the guidelines relating to the elaboration of new international instruments contained in General Assembly resolution 41/120 of 4 December 1986 and calls on the United Nations human rights bodies, when considering the elaboration of new international standards, to keep those guidelines in mind, to consult with human rights treaty bodies on the necessity for drafting new standards and to request the Secretariat to carry out technical reviews of proposed new instruments.
7. The World Conference on Human Rights recommends that human rights officers be assigned if and when necessary to regional offices of the United Nations Organisation with the purpose of disseminating information and offering training and other technical assistance in the field of human rights upon the request of concerned Member States. Human rights training for international civil servants who are assigned to work relating to human rights should be organised.
8. The World Conference on Human Rights welcomes the convening of emergency sessions of the Commission on Human Rights as a positive initiative and that other ways of responding to acute violations of human rights be considered by the relevant organs of the United Nations system.

### **Resources**

9. The World Conference on Human Rights, concerned by the growing disparity between the activities of the Centre for Human Rights and the human, financial and other resources available to carry them out, and bearing in mind the resources needed for other important United Nations programmes, requests the Secretary-General and the General Assembly to take immediate steps to increase substantially the resources for the human rights programme from within the existing and future regular budgets of the United Nations, and to take urgent steps to seek increased extra budgetary resources.
10. Within this framework, an increased proportion of the regular budget should be allocated directly to the Centre for Human Rights to cover its costs and all other costs borne by the Centre for Human Rights, including those related to the United Nations human rights bodies. Voluntary funding of the Centre's technical cooperation activities should reinforce this enhanced budget; the World Conference on Human Rights calls for generous contributions to the existing trust funds.
11. The World Conference on Human Rights requests the Secretary-General and the General Assembly to provide sufficient human, financial and other resources to the Centre for Human Rights to enable it effectively, efficiently and expeditiously to carry out its activities.
12. The World Conference on Human Rights, noting the need to ensure that human and financial resources are available to carry out the human rights activities, as mandated by intergovernmental bodies, urges the Secretary-General, in accordance with Article 101 of the Charter of the United Nations, and Member States to adopt a coherent approach aimed at securing that resources commensurate to the increased mandates are allocated to the Secretariat. The World Conference on Human Rights invites the Secretary-General to consider whether adjustments to procedures in the programme budget cycle would be necessary or helpful to ensure the timely and effective implementation of human rights activities as mandated by Member States.

### **Centre for Human Rights**

13. The World Conference on Human Rights stresses the importance of strengthening the United Nations Centre for Human Rights.

14. The Centre for Human Rights should play an important role in coordinating system-wide attention for human rights. The focal role of the Centre can best be realised if it is enabled to cooperate fully with other United Nations bodies and organs. The coordinating role of the Centre for Human Rights also implies that the office of the Centre for Human Rights in New York is strengthened.
15. The Centre for Human Rights should be assured adequate means for the system of thematic and country rapporteurs, experts, working groups and treaty bodies. Follow-up on recommendations should become a priority matter for consideration by the Commission on Human Rights.
16. The Centre for Human Rights should assume a larger role in the promotion of human rights. This role could be given shape through cooperation with Member States and by an enhanced programme of advisory services and technical assistance. The existing voluntary funds will have to be expanded substantially for these purposes and should be managed in a more efficient and coordinated way. All activities should follow strict and transparent project management rules and regular programme and project evaluations should be held periodically. To this end, the results of such evaluation exercises and other relevant information should be made available regularly. The Centre should, in particular, organise at least once a year information meetings open to all Member States and organisations directly involved in these projects and programmes.

Adaptation and strengthening of the United Nations machinery for human rights, including the question of the establishment of a United Nations High Commissioner for Human Rights

17. The World Conference on Human Rights recognises the necessity for a continuing adaptation of the United Nations human rights machinery to the current and future needs in the promotion and protection of human rights, as reflected in the present Declaration and within the framework of a balanced and sustainable development for all people. In particular, the United Nations human rights organs should improve their coordination, efficiency and effectiveness.
18. The World Conference on Human Rights recommends to the General Assembly that when examining the report of the Conference at its forty-eighth session, it begin, as a matter of priority, consideration of the question of the establishment of a High Commissioner for Human Rights for the promotion and protection of all human rights.

B. Equality, dignity and tolerance

1. Racism, racial discrimination, xenophobia and other forms of intolerance

19. The World Conference on Human Rights considers the elimination of racism and racial discrimination, in particular in their institutionalised forms such as apartheid or resulting from doctrines of racial superiority or exclusivity or contemporary forms and manifestations of racism, as a primary objective for the international community and a worldwide promotion programme in the field of human rights. United Nations organs and agencies should strengthen their efforts to implement such a programme of action related to the third decade to combat racism and racial discrimination as well as subsequent mandates to the same end. The World Conference on Human Rights strongly appeals to the international community to contribute generously to the Trust Fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination.
20. The World Conference on Human Rights urges all Governments to take immediate measures and to develop strong policies to prevent and combat all forms and manifestations of racism, xenophobia or related intolerance, where necessary by enactment of appropriate legislation, including penal measures, and by the establishment of national institutions to combat such phenomena.
21. The World Conference on Human Rights welcomes the decision of the Commission on Human Rights to appoint a Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. The World Conference on Human Rights also appeals to all States parties to the International Convention on the Elimination of All Forms of Racial Discrimination to consider making the declaration under article 14 of the Convention.
22. The World Conference on Human Rights calls upon all Governments to take all appropriate measures in compliance with their international obligations and with due regard to their respective legal

systems to counter intolerance and related violence based on religion or belief, including practices of discrimination against women and including the desecration of religious sites, recognising that every individual has the right to freedom of thought, conscience, expression and religion. The Conference also invites all States to put into practice the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

23. The World Conference on Human Rights stresses that all persons who perpetrate or authorise criminal acts associated with ethnic cleansing are individually responsible and accountable for such human rights violations, and that the international community should exert every effort to bring those legally responsible for such violations to justice.
24. The World Conference on Human Rights calls on all States to take immediate measures, individually and collectively, to combat the practice of ethnic cleansing to bring it quickly to an end. Victims of the abhorrent practice of ethnic cleansing are entitled to appropriate and effective remedies.

2. Persons belonging to national or ethnic, religious and linguistic minorities

25. The World Conference on Human Rights calls on the Commission on Human Rights to examine ways and means to promote and protect effectively the rights of persons belonging to minorities as set out in the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities. In this context, the World Conference on Human Rights calls upon the Centre for Human Rights to provide, at the request of Governments concerned and as part of its programme of advisory services and technical assistance, qualified expertise on minority issues and human rights, as well as on the prevention and resolution of disputes, to assist in existing or potential situations involving minorities.
26. The World Conference on Human Rights urges States and the international community to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities in accordance with the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities.
27. Measures to be taken, where appropriate, should include facilitation of their full participation in all aspects of the political, economic, social, religious and cultural life of society and in the economic progress and development in their country.

**Indigenous people**

28. The World Conference on Human Rights calls on the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to complete the drafting of a declaration on the rights of indigenous people at its eleventh session.
29. The World Conference on Human Rights recommends that the Commission on Human Rights consider the renewal and updating of the mandate of the Working Group on Indigenous Populations upon completion of the drafting of a declaration on the rights of indigenous people.
30. The World Conference on Human Rights also recommends that advisory services and technical assistance programmes within the United Nations system respond positively to requests by States for assistance which would be of direct benefit to indigenous people. The World Conference on Human Rights further recommends that adequate human and financial resources be made available to the Centre for Human Rights within the overall framework of strengthening the Centre's activities as envisaged by this document.
31. The World Conference on Human Rights urges States to ensure the full and free participation of indigenous people in all aspects of society, in particular in matters of concern to them.
32. The World Conference on Human Rights recommends that the General Assembly proclaim an international decade of the world's indigenous people, to begin from January 1994, including action-orientated programmes, to be decided upon in partnership with indigenous people. An appropriate voluntary trust fund should be set up for this purpose. In the framework of such a decade, the establishment of a permanent forum for indigenous people in the United Nations system should be considered.

**Migrant workers**

33. The World Conference on Human Rights urges all States to guarantee the protection of the human rights of all migrant workers and their families.
  34. The World Conference on Human Rights considers that the creation of conditions to foster greater harmony and tolerance between migrant workers and the rest of the society of the State in which they reside is of particular importance.
  35. The World Conference on Human Rights invites States to consider the possibility of signing and ratifying, at the earliest possible time, the International Convention on the Rights of All Migrant Workers and Members of Their Families.
3. The equal status and human rights of women
36. The World Conference on Human Rights urges the full and equal enjoyment by women of all human rights and that this be a priority for Governments and for the United Nations. The World Conference on Human Rights also underlines the importance of the integration and full participation of women as both agents and beneficiaries in the development process, and reiterates the objectives established on global action for women towards sustainable and equitable development set forth in the Rio Declaration on Environment and Development and chapter 24 of Agenda 21, adopted by the United Nations Conference on Environment and Development (Rio de Janeiro, Brazil, 3-14 June 1992).
  37. The equal status of women and the human rights of women should be integrated into the mainstream of United Nations system-wide activity. These issues should be regularly and systematically addressed throughout relevant United Nations bodies and mechanisms. In particular, steps should be taken to increase cooperation and promote further integration of objectives and goals between the Commission on the Status of Women, the Commission on Human Rights, the Committee for the Elimination of Discrimination against Women, the United Nations Development Fund for Women, the United Nations Development Programme and other United Nations agencies. In this context, cooperation and coordination should be strengthened between the Centre for Human Rights and the Division for the Advancement of Women.
  38. In particular, the World Conference on Human Rights stresses the importance of working towards the elimination of violence against women in public and private life, the elimination of all forms of sexual harassment, exploitation and trafficking in women, the elimination of gender bias in the administration of justice and the eradication of any conflicts which may arise between the rights of women and the harmful effects of certain traditional or customary practices, cultural prejudices and religious extremism. The World Conference on Human Rights calls upon the General Assembly to adopt the draft declaration on violence against women and urges States to combat violence against women in accordance with its provisions. Violations of the human rights of women in situations of armed conflict are violations of the fundamental principles of international human rights and humanitarian law. All violations of this kind, including in particular murder, systematic rape, sexual slavery, and forced pregnancy, require a particularly effective response.
  39. The World Conference on Human Rights urges the eradication of all forms of discrimination against women, both hidden and overt. The United Nations should encourage the goal of universal ratification by all States of the Convention on the Elimination of All Forms of Discrimination against Women by the year 2000. Ways and means of addressing the particularly large number of reservations to the Convention should be encouraged. Inter alia, the Committee on the Elimination of Discrimination against Women should continue its review of reservations to the Convention. States are urged to withdraw reservations that are contrary to the object and purpose of the Convention or which are otherwise incompatible with international treaty law.
  40. Treaty monitoring bodies should disseminate necessary information to enable women to make more effective use of existing implementation procedures in their pursuits of full and equal enjoyment of human rights and non-discrimination. New procedures should also be adopted to strengthen implementation of the commitment to women's equality and the human rights of women. The Commission on the Status of

Women and the Committee on the Elimination of Discrimination against Women should quickly examine the possibility of introducing the right of petition through the preparation of an optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women. The World Conference on Human Rights welcomes the decision of the Commission on Human Rights to consider the appointment of a special rapporteur on violence against women at its fiftieth session.

41. The World Conference on Human Rights recognises the importance of the enjoyment by women of the highest standard of physical and mental health throughout their life span. In the context of the World Conference on Women and the Convention on the Elimination of All Forms of Discrimination against Women, as well as the Proclamation of Tehran of 1968, the World Conference on Human Rights reaffirms, on the basis of equality between women and men, a woman's right to accessible and adequate health care and the widest range of family planning services, as well as equal access to education at all levels.
42. Treaty monitoring bodies should include the status of women and the human rights of women in their deliberations and findings, making use of gender-specific data. States should be encouraged to supply information on the situation of women *de jure* and *de facto* in their reports to treaty monitoring bodies. The World Conference on Human Rights notes with satisfaction that the Commission on Human Rights adopted at its forty-ninth session resolution 1993/46 of 8 March 1993 stating that rapporteurs and working groups in the field of human rights should also be encouraged to do so. Steps should also be taken by the Division for the Advancement of Women in cooperation with other United Nations bodies, specifically the Centre for Human Rights, to ensure that the human rights activities of the United Nations regularly address violations of women's human rights, including gender-specific abuses. Training for United Nations human rights and humanitarian relief personnel to assist them to recognise and deal with human rights abuses particular to women and to carry out their work without gender bias should be encouraged.
43. The World Conference on Human Rights urges Governments and regional and international organisations to facilitate the access of women to decision-making posts and their greater participation in the decision-making process. It encourages further steps within the United Nations Secretariat to appoint and promote women staff members in accordance with the Charter of the United Nations, and encourages other principal and subsidiary organs of the United Nations to guarantee the participation of women under conditions of equality.
44. The World Conference on Human Rights welcomes the World Conference on Women to be held in Beijing in 1995 and urges that human rights of women should play an important role in its deliberations, in accordance with the priority themes of the World Conference on Women of equality, development and peace.

#### 4. The rights of the child

45. The World Conference on Human Rights reiterates the principle of "First Call for Children" and, in this respect, underlines the importance of major national and international efforts, especially those of the United Nations Children's Fund, for promoting respect for the rights of the child to survival, protection, development and participation.
46. Measures should be taken to achieve universal ratification of the Convention on the Rights of the Child by 1995 and the universal signing of the World Declaration on the Survival, Protection and Development of Children and Plan of Action adopted by the World Summit for Children, as well as their effective implementation. The World Conference on Human Rights urges States to withdraw reservations to the Convention on the Rights of the Child contrary to the object and purpose of the Convention or otherwise contrary to international treaty law.
47. The World Conference on Human Rights urges all nations to undertake measures to the maximum extent of their available resources, with the support of international cooperation, to achieve the goals in the World Summit Plan of Action. The Conference calls on States to integrate the Convention on the Rights of the Child into their national action plans. By means of these national action plans and through



international efforts, particular priority should be placed on reducing infant and maternal mortality rates, reducing malnutrition and illiteracy rates and providing access to safe drinking water and to basic education. Whenever so called for, national plans of action should be devised to combat devastating emergencies resulting from natural disasters and armed conflicts and the equally grave problem of children in extreme poverty.

48. The World Conference on Human Rights urges all States, with the support of international cooperation, to address the acute problem of children under especially difficult circumstances. Exploitation and abuse of children should be actively combated, including by addressing their root causes. Effective measures are required against female infanticide, harmful child labour, sale of children and organs, child prostitution, child pornography, as well as other forms of sexual abuse.
49. The World Conference on Human Rights supports all measures by the United Nations and its specialised agencies to ensure the effective protection and promotion of human rights of the girl child. The World Conference on Human Rights urges States to repeal existing laws and regulations and remove customs and practices which discriminate against and cause harm to the girl child.
50. The World Conference on Human Rights strongly supports the proposal that the Secretary-General initiate a study into means of improving the protection of children in armed conflicts. Humanitarian norms should be implemented and measures taken in order to protect and facilitate assistance to children in war zones. Measures should include protection for children against indiscriminate use of all weapons of war, especially anti-personnel mines. The need for aftercare and rehabilitation of children traumatised by war must be addressed urgently. The Conference calls on the Committee on the Rights of the Child to study the question of raising the minimum age of recruitment into armed forces.
51. The World Conference on Human Rights recommends that matters relating to human rights and the situation of children be regularly reviewed and monitored by all relevant organs and mechanisms of the United Nations system and by the supervisory bodies of the specialised agencies in accordance with their mandates.
52. The World Conference on Human Rights recognises the important role played by non-governmental organisations in the effective implementation of all human rights instruments and, in particular, the Convention on the Rights of the Child.
53. The World Conference on Human Rights recommends that the Committee on the Rights of the Child, with the assistance of the Centre for Human Rights, be enabled expeditiously and effectively to meet its mandate, especially in view of the unprecedented extent of ratification and subsequent submission of country reports.

#### 5. Freedom from torture

54. The World Conference on Human Rights welcomes the ratification by many Member States of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and encourages its speedy ratification by all other Member States.
55. The World Conference on Human Rights emphasises that one of the most atrocious violations against human dignity is the act of torture, the result of which destroys the dignity and impairs the capability of victims to continue their lives and their activities.
56. The World Conference on Human Rights reaffirms that under human rights law and international humanitarian law, freedom from torture is a right which must be protected under all circumstances, including in times of internal or international disturbance or armed conflicts.
57. The World Conference on Human Rights therefore urges all States to put an immediate end to the practice of torture and eradicate this evil forever through full implementation of the Universal Declaration of Human Rights as well as the relevant conventions and, where necessary, strengthening of existing mechanisms. The World Conference on Human Rights calls on all States to cooperate fully with the Special Rapporteur on the question of torture in the fulfilment of his mandate.

58. Special attention should be given to ensure universal respect for, and effective implementation of, the Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment adopted by the General Assembly of the United Nations.
59. The World Conference on Human Rights stresses the importance of further concrete action within the framework of the United Nations with the view to providing assistance to victims of torture and ensure more effective remedies for their physical, psychological and social rehabilitation. Providing the necessary resources for this purpose should be given high priority, *inter alia*, by additional contributions to the United Nations Voluntary Fund for the Victims of Torture.
60. States should abrogate legislation leading to impunity for those responsible for grave violations of human rights such as torture and prosecute such violations, thereby providing a firm basis for the rule of law.
61. The World Conference on Human Rights reaffirms that efforts to eradicate torture should, first and foremost, be concentrated on prevention and, therefore, calls for the early adoption of an optional protocol to the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, which is intended to establish a preventive system of regular visits to places of detention.

### Enforced disappearances

62. The World Conference on Human Rights, welcoming the adoption by the General Assembly of the Declaration on the Protection of All Persons from Enforced Disappearance, calls upon all States to take effective legislative, administrative, judicial or other measures to prevent, terminate and punish acts of enforced disappearances. The World Conference on Human Rights reaffirms that it is the duty of all States, under any circumstances, to make investigations whenever there is reason to believe that an enforced disappearance has taken place on a territory under their jurisdiction and, if allegations are confirmed, to prosecute its perpetrators.

### 6. The rights of the disabled person

63. The World Conference on Human Rights reaffirms that all human rights and fundamental freedoms are universal and thus unreservedly include persons with disabilities. Every person is born equal and has the same rights to life and welfare, education and work, living independently and active participation in all aspects of society. Any direct discrimination or other negative discriminatory treatment of a disabled person is therefore a violation of his or her rights. The World Conference on Human Rights calls on Governments, where necessary, to adopt or adjust legislation to assure access to these and other rights for disabled persons.
64. The place of disabled persons is everywhere. Persons with disabilities should be guaranteed equal opportunity through the elimination of all socially determined barriers, be they physical, financial, social or psychological, which exclude or restrict full participation in society.
65. Recalling the World Programme of Action concerning Disabled Persons, adopted by the General Assembly at its thirty-seventh session, the World Conference on Human Rights calls upon the General Assembly and the Economic and Social Council to adopt the draft standard rules on the equalisation of opportunities for persons with disabilities, at their meetings in 1993.

### C. Cooperation, development and strengthening of human rights

66. The World Conference on Human Rights recommends that priority be given to national and international action to promote democracy, development and human rights.
67. Special emphasis should be given to measures to assist in the strengthening and building of institutions relating to human rights, strengthening of a pluralistic civil society and the protection of groups which have been rendered vulnerable. In this context, assistance provided upon the request of Governments for the conduct of free and fair elections, including assistance in the human rights aspects of elections and public information about elections, is of particular importance. Equally important is the assistance to be given to the strengthening of the rule of law, the promotion of freedom of expression and the ad-

ministration of justice, and to the real and effective participation of the people in the decision-making processes.

68. The World Conference on Human Rights stresses the need for the implementation of strengthened advisory services and technical assistance activities by the Centre for Human Rights. The Centre should make available to States upon request assistance on specific human rights issues, including the preparation of reports under human rights treaties as well as for the implementation of coherent and comprehensive plans of action for the promotion and protection of human rights. Strengthening the institutions of human rights and democracy, the legal protection of human rights, training of officials and others, broad-based education and public information aimed at promoting respect for human rights should all be available as components of these programmes.
69. The World Conference on Human Rights strongly recommends that a comprehensive programme be established within the United Nations in order to help States in the task of building and strengthening adequate national structures which have a direct impact on the overall observance of human rights and the maintenance of the rule of law. Such a programme, to be coordinated by the Centre for Human Rights, should be able to provide, upon the request of the interested Government, technical and financial assistance to national projects in reforming penal and correctional establishments, education and training of lawyers, judges and security forces in human rights, and any other sphere of activity relevant to the good functioning of the rule of law. That programme should make available to States assistance for the implementation of plans of action for the promotion and protection of human rights.
70. The World Conference on Human Rights requests the Secretary-General of the United Nations to submit proposals to the United Nations General Assembly, containing alternatives for the establishment, structure, operational modalities and funding of the proposed programme.
71. The World Conference on Human Rights recommends that each State consider the desirability of drawing up a national action plan identifying steps whereby that State would improve the promotion and protection of human rights.
72. The World Conference on Human Rights on Human Rights reaffirms that the universal and inalienable right to development, as established in the Declaration on the Right to Development, must be implemented and realised. In this context, the World Conference on Human Rights welcomes the appointment by the Commission on Human Rights of a thematic working group on the right to development and urges that the Working Group, in consultation and cooperation with other organs and agencies of the United Nations system, promptly formulate, for early consideration by the United Nations General Assembly, comprehensive and effective measures to eliminate obstacles to the implementation and realisation of the Declaration on the Right to Development and recommending ways and means towards the realisation of the right to development by all States.
73. The World Conference on Human Rights recommends that non-governmental and other grass-roots organisations active in development and/or human rights should be enabled to play a major role on the national and international levels in the debate, activities and implementation relating to the right to development and, in cooperation with Governments, in all relevant aspects of development cooperation.
74. The World Conference on Human Rights appeals to Governments, competent agencies and institutions to increase considerably the resources devoted to building well-functioning legal systems able to protect human rights, and to national institutions working in this area. Actors in the field of development cooperation should bear in mind the mutually reinforcing interrelationship between development, democracy and human rights. Cooperation should be based on dialogue and transparency. The World Conference on Human Rights also calls for the establishment of comprehensive programmes, including resource banks of information and personnel with expertise relating to the strengthening of the rule of law and of democratic institutions.
75. The World Conference on Human Rights encourages the Commission on Human Rights, in cooperation with the Committee on Economic, Social and Cultural Rights, to continue the examination of optional protocols to the International Covenant on Economic, Social and Cultural Rights.



76. The World Conference on Human Rights recommends that more resources be made available for the strengthening or the establishment of regional arrangements for the promotion and protection of human rights under the programmes of advisory services and technical assistance of the Centre for Human Rights. States are encouraged to request assistance for such purposes as regional and subregional workshops, seminars and information exchanges designed to strengthen regional arrangements for the promotion and protection of human rights in accord with universal human rights standards as contained in international human rights instruments.
77. The World Conference on Human Rights supports all measures by the United Nations and its relevant specialised agencies to ensure the effective promotion and protection of trade union rights, as stipulated in the International Covenant on Economic, Social and Cultural Rights and other relevant international instruments. It calls on all States to abide fully by their obligations in this regard contained in international instruments.

D. Human rights education

78. The World Conference on Human Rights considers human rights education, training and public information essential for the promotion and achievement of stable and harmonious relations among communities and for fostering mutual understanding, tolerance and peace.
79. States should strive to eradicate illiteracy and should direct education towards the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. The World Conference on Human Rights calls on all States and institutions to include human rights, humanitarian law, democracy and rule of law as subjects in the curricula of all learning institutions in formal and non-formal settings.
80. Human rights education should include peace, democracy, development and social justice, as set forth in international and regional human rights instruments, in order to achieve common understanding and awareness with a view to strengthening universal commitment to human rights.
81. Taking into account the World Plan of Action on Education for Human Rights and Democracy, adopted in March 1993 by the International Congress on Education for Human Rights and Democracy of the United Nations Educational, Scientific and Cultural Organisation, and other human rights instruments, the World Conference on Human Rights recommends that States develop specific programmes and strategies for ensuring the widest human rights education and the dissemination of public information, taking particular account of the human rights needs of women.
82. Governments, with the assistance of intergovernmental organisations, national institutions and non-governmental organisations, should promote an increased awareness of human rights and mutual tolerance. The World Conference on Human Rights underlines the importance of strengthening the World Public Information Campaign for Human Rights carried out by the United Nations. They should initiate and support education in human rights and undertake effective dissemination of public information in this field. The advisory services and technical assistance programmes of the United Nations system should be able to respond immediately to requests from States for educational and training activities in the field of human rights as well as for special education concerning standards as contained in international human rights instruments and in humanitarian law and their application to special groups such as military forces, law enforcement personnel, police and the health profession. The proclamation of a United Nations decade for human rights education in order to promote, encourage and focus these educational activities should be considered.

E. Implementation and monitoring methods

83. The World Conference on Human Rights urges Governments to incorporate standards as contained in international human rights instruments in domestic legislation and to strengthen national structures, institutions and organs of society which play a role in promoting and safeguarding human rights.

84. The World Conference on Human Rights recommends the strengthening of United Nations activities and programmes to meet requests for assistance by States which want to establish or strengthen their own national institutions for the promotion and protection of human rights.
85. The World Conference on Human Rights also encourages the strengthening of cooperation between national institutions for the promotion and protection of human rights, particularly through exchanges of information and experience, as well as cooperation with regional organisations and the United Nations.
86. The World Conference on Human Rights strongly recommends in this regard that representatives of national institutions for the promotion and protection of human rights convene periodic meetings under the auspices of the Centre for Human Rights to examine ways and means of improving their mechanisms and sharing experiences.
87. The World Conference on Human Rights recommends to the human rights treaty bodies, to the meetings of chairpersons of the treaty bodies and to the meetings of States parties that they continue to take steps aimed at coordinating the multiple reporting requirements and guidelines for preparing State reports under the respective human rights conventions and study the suggestion that the submission of one overall report on treaty obligations undertaken by each State would make these procedures more effective and increase their impact.
88. The World Conference on Human Rights recommends that the States parties to international human rights instruments, the General Assembly and the Economic and Social Council should consider studying the existing human rights treaty bodies and the various thematic mechanisms and procedures with a view to promoting greater efficiency and effectiveness through better coordination of the various bodies, mechanisms and procedures, taking into account the need to avoid unnecessary duplication and overlapping of their mandates and tasks.
89. The World Conference on Human Rights recommends continued work on the improvement of the functioning, including the monitoring tasks, of the treaty bodies, taking into account multiple proposals made in this respect, in particular those made by the treaty bodies themselves and by the meetings of the chairpersons of the treaty bodies. The comprehensive national approach taken by the Committee on the Rights of the Child should also be encouraged.
90. The World Conference on Human Rights recommends that States parties to human rights treaties consider accepting all the available optional communication procedures.
91. The World Conference on Human Rights views with concern the issue of impunity of perpetrators of human rights violations, and supports the efforts of the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities to examine all aspects of the issue.
92. The World Conference on Human Rights recommends that the Commission on Human Rights examine the possibility for better implementation of existing human rights instruments at the international and regional levels and encourages the International Law Commission to continue its work on an international criminal court.
93. The World Conference on Human Rights appeals to States which have not yet done so to accede to the Geneva Conventions of 12 August 1949 and the Protocols thereto, and to take all appropriate national measures, including legislative ones, for their full implementation.
94. The World Conference on Human Rights recommends the speedy completion and adoption of the draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognised human rights and fundamental freedoms.
95. The World Conference on Human Rights underlines the importance of preserving and strengthening the system of special procedures, rapporteurs, representatives, experts and working groups of the Commission on Human Rights and the Sub-Commission on the Prevention of Discrimination and Protection of Minorities, in order to enable them to carry out their mandates in all countries throughout the world, providing them with the necessary human and financial resources. The procedures and mechanisms

should be enabled to harmonise and rationalise their work through periodic meetings. All States are asked to cooperate fully with these procedures and mechanisms.

96. The World Conference on Human Rights recommends that the United Nations assume a more active role in the promotion and protection of human rights in ensuring full respect for international humanitarian law in all situations of armed conflict, in accordance with the purposes and principles of the Charter of the United Nations.
97. The World Conference on Human Rights, recognising the important role of human rights components in specific arrangements concerning some peace-keeping operations by the United Nations, recommends that the Secretary-General take into account the reporting, experience and capabilities of the Centre for Human Rights and human rights mechanisms, in conformity with the Charter of the United Nations.
98. To strengthen the enjoyment of economic, social and cultural rights, additional approaches should be examined, such as a system of indicators to measure progress in the realisation of the rights set forth in the International Covenant on Economic, Social and Cultural Rights. There must be a concerted effort to ensure recognition of economic, social and cultural rights at the national, regional and international levels.

F. Follow-up to the World Conference on Human Rights

99. The World Conference on Human Rights recommends that the General Assembly, the Commission on Human Rights and other organs and agencies of the United Nations system related to human rights consider ways and means for the full implementation, without delay, of the recommendations contained in the present Declaration, including the possibility of proclaiming a United Nations decade for human rights. The World Conference on Human Rights further recommends that the Commission on Human Rights annually review the progress towards this end.
100. The World Conference on Human Rights requests the Secretary-General of the United Nations to invite on the occasion of the fiftieth anniversary of the Universal Declaration of Human Rights all States, all organs and agencies of the United Nations system related to human rights, to report to him on the progress made in the implementation of the present Declaration and to submit a report to the General Assembly at its fifty-third session, through the Commission on Human Rights and the Economic and Social Council. Likewise, regional and, as appropriate, national human rights institutions, as well as non-governmental organisations, may present their views to the Secretary-General on the progress made in the implementation of the present Declaration. Special attention should be paid to assessing the progress towards the goal of universal ratification of international human rights treaties and protocols adopted within the framework of the United Nations system.

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Geneva, Switzerland

## part one

# programme of action of the international conference on population and development

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## part two

### Statements and Reservations on the Programme of Action

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#### Part One

### Programme of action of the international conference on population and development

#### Chapter I

##### PREAMBLE

- 1.1. The 1994 International Conference on Population and Development occurs at a defining moment in the history of international cooperation. With the growing recognition of global population, development and environmental interdependence, the opportunity to adopt suitable macro- and socio-economic policies to promote sustained economic growth in the context of sustainable development in all countries and to mobilise human and financial resources for global problem- solving has never been greater. Never before has the world community had so many resources, so much knowledge and such powerful technologies at its disposal which, if suitably redirected, could foster sustained economic growth and sustainable development. None the less, the effective use of resources, knowledge and technologies is conditioned by political and economic obstacles at the national and international levels. Therefore, although ample resources have been available for some time, their use for socially equitable and environmentally sound development has been seriously limited.
- 1.2. The world has undergone far-reaching changes in the past two decades. Significant progress in many fields important for human welfare has been made through national and international efforts. However, the developing countries are still facing serious economic difficulties and an unfavourable international economic environment, and the number of people living in absolute poverty has increased in many countries. Around the world many of the basic resources on which future generations will depend for their survival and well-being are being depleted and environmental degradation is intensifying, driven by unsustainable patterns of production and consumption, unprecedented growth in population, widespread and persistent poverty, and social and economic inequality. Ecological problems, such as global climate change, largely driven by unsustainable patterns of production and consumption, are adding to the threats to the well-being of future generations. There is an emerging global consensus on the need for increased international cooperation in regard to population in the context of sustainable development, for which Agenda 21(1) provides a framework. Much has been achieved in this respect, but more needs to be done.
- 1.3. The world population is currently estimated at 5.6 billion. While the rate of growth is on the decline, absolute increments have been increasing, currently exceeding 86 million persons per annum. Annual population increments are likely to remain above 86 million until the year 2015.(2)
- 1.4. During the remaining six years of this critical decade, the world's nations by their actions or inactions will choose from among a range of alternative demographic futures. The low, medium and high variants of the United Nations population projections for the coming 20 years range from a low of 7.1 billion people to the medium variant of 7.5 billion and a high of 7.8 billion. The difference of 720 million people in the short span of 20 years exceeds the current population of the African continent. Further into the future, the projections diverge even more significantly. By the year 2050, the United Nations projections range from 7.9 billion to the medium variant of 9.8 billion and a high of 11.9 billion. Implementation of the goals and objectives contained in the present 20-year Programme of Action, which address many of the fundamental population, health, education and development challenges facing the entire human community, would result in world population growth during this period and beyond at levels below the United Nations medium projection.

- 1.5. The International Conference on Population and Development is not an isolated event. Its Programme of Action builds on the considerable international consensus that has developed since the World Population Conference at Bucharest in 1974<sup>(3)</sup> and the International Conference on Population at Mexico City in 1984<sup>(4)</sup> to consider the broad issues of and interrelationships between population, sustained economic growth and sustainable development, and advances in the education, economic status and empowerment of women. The 1994 Conference was explicitly given a broader mandate on development issues than previous population conferences, reflecting the growing awareness that population, poverty, patterns of production and consumption and the environment are so closely interconnected that none of them can be considered in isolation.
- 1.6. The International Conference on Population and Development follows and builds on other important recent international activities, and its recommendations should be supportive of, consistent with and based on the agreements reached at the following:
  - (a) The World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, held in Nairobi in 1985<sup>(5)</sup>
  - (b) The World Summit for Children, held in New York in 1990<sup>(6)</sup>
  - (c) The United Nations Conference on Environment and Development, held in Rio de Janeiro in 1992<sup>(7)</sup>
  - (d) The International Conference on Nutrition, held in Rome in 1992<sup>(8)</sup>
  - (e) The World Conference on Human Rights, held in Vienna in 1993<sup>(9)</sup>
  - (f) The International Year of the World's Indigenous People, 1993<sup>(10)</sup> which would lead to the International Decade of the World's Indigenous People<sup>(11)</sup>
  - (g) The Global Conference on the Sustainable Development of Small Island Developing States, held in Barbados in 1994<sup>(12)</sup>
  - (h) The International Year of the Family, 1994<sup>(13)</sup>
- 1.7. The Conference outcomes are closely related to and will make significant contributions to other major conferences in 1995 and 1996, such as the World Summit for Social Development<sup>(14)</sup> the Fourth World Conference on Women: Action for Equality, Development and Peace<sup>(15)</sup> the Second United Nations Conference on Human Settlements (Habitat II), the elaboration of the Agenda for Development, as well as the celebration of the fiftieth anniversary of the United Nations. These events are expected to highlight further the call of the 1994 Conference for greater investment in people, and for a new action agenda for the empowerment of women to ensure their full participation at all levels in the social, economic and political lives of their communities.
- 1.8. Over the past 20 years, many parts of the world have undergone remarkable demographic, social, economic, environmental and political change. Many countries have made substantial progress in expanding access to reproductive health care and lowering birth rates, as well as in lowering death rates and raising education and income levels, including the educational and economic status of women. While the advances of the past two decades in areas such as increased use of contraception, decreased maternal mortality, implemented sustainable development plans and projects and enhanced educational programmes provide a basis for optimism about successful implementation of the present Programme of Action, much remains to be accomplished. The world as a whole has changed in ways that create important new opportunities for addressing population and development issues. Among the most significant are the major shifts in attitude among the world's people and their leaders in regard to reproductive health, family planning and population growth, resulting, inter alia, in the new comprehensive concept of reproductive health, including family planning and sexual health, as defined in the present Programme of Action. A particularly encouraging trend has been the strengthening of political commitment to population-related policies and family-planning programmes by many Governments. In this regard, sustained economic growth in the context of sustainable development will enhance the ability of countries to meet the pressures of expected population growth; will facilitate the demographic transi-



tion in countries where there is an imbalance between demographic rates and social, economic and environmental goals; and will permit the balance and integration of the population dimension into other development- related policies.

- 1.9. The population and development objectives and actions of the present Programme of Action will collectively address the critical challenges and interrelationships between population and sustained economic growth in the context of sustainable development. In order to do so, adequate mobilisation of resources at the national and international levels will be required as well as new and additional resources to the developing countries from all available funding mechanisms, including multilateral, bilateral and private sources. Financial resources are also required to strengthen the capacity of national, regional, sub regional and international institutions to implement this Programme of Action.
- 1.10. The two decades ahead are likely to produce a further shift of rural populations to urban areas as well as continued high levels of migration between countries. These migrations are an important part of the economic transformations occurring around the world, and they present serious new challenges. Therefore, these issues must be addressed with more emphasis within population and development policies. By the year 2015, nearly 56 per cent of the global population is expected to live in urban areas, compared to under 45 per cent in 1994. The most rapid rates of urbanisation will occur in the developing countries. The urban population of the developing regions was just 26 per cent in 1975, but is projected to rise to 50 per cent by 2015. This change will place enormous strain on existing social services and infrastructure, much of which will not be able to expand at the same rate as that of urbanisation.
- 1.11. Intensified efforts are needed in the coming 5, 10 and 20 years, in a range of population and development activities, bearing in mind the crucial contribution that early stabilisation of the world population would make towards the achievement of sustainable development. The present Programme of Action addresses all those issues, and more, in a comprehensive and integrated framework designed to improve the quality of life of the current world population and its future generations. The recommendations for action are made in a spirit of consensus and international cooperation, recognising that the formulation and implementation of population-related policies is the responsibility of each country and should take into account the economic, social and environmental diversity of conditions in each country, with full respect for the various religious and ethical values, cultural backgrounds and philosophical convictions of its people, as well as the shared but differentiated responsibilities of all the world's people for a common future.
- 1.12. The present Programme of Action recommends to the international community a set of important population and development objectives, as well as qualitative and quantitative goals that are mutually supportive and of critical importance to these objectives. Among these objectives and goals are: sustained economic growth in the context of sustainable development; education, especially for girls; gender equity and equality; infant, child and maternal mortality reduction; and the provision of universal access to reproductive health services, including family planning and sexual health.
- 1.13. Many of the quantitative and qualitative goals of the present Programme of Action clearly require additional resources, some of which could become available from a reordering of priorities at the individual, national and international levels. However, none of the actions required - nor all of them combined - is expensive in the context of either current global development or military expenditures. A few would require little or no additional financial resources, in that they involve changes in lifestyles, social norms or government policies that can be largely brought about and sustained through greater citizen action and political leadership. But to meet the resource needs of those actions that do require increased expenditures over the next two decades, additional commitments will be required on the part of both developing and developed countries. This will be particularly difficult in the case of some developing countries and some countries with economies in transition that are experiencing extreme resource constraints.
- 1.14. The present Programme of Action recognises that over the next 20 years Governments are not expected to meet the goals and objectives of the International Conference on Population and Development single-handedly. All members of and groups in society have the right, and indeed the responsibility,



to play an active part in efforts to reach those goals. The increased level of interest manifested by non-governmental organisations, first in the context of the United Nations Conference on Environment and Development and the World Conference on Human Rights, and now in these deliberations, reflects an important and in many places rapid change in the relationship between Governments and a variety of non-governmental institutions. In nearly all countries new partnerships are emerging between government, business, non-governmental organisations and community groups, which will have a direct and positive bearing on the implementation of the present Programme of Action.

- 1.15. While the International Conference on Population and Development does not create any new international human rights, it affirms the application of universally recognised human rights standards to all aspects of population programmes. It also represents the last opportunity in the twentieth century for the international community to collectively address the critical challenges and interrelationships between population and development. The Programme of Action will require the establishment of common ground, with full respect for the various religious and ethical values and cultural backgrounds. The impact of this Conference will be measured by the strength of the specific commitments made here and the consequent actions to fulfil them, as part of a new global partnership among all the world's countries and peoples, based on a sense of shared but differentiated responsibility for each other and for our planetary home.

## **Chapter II**

### **PRINCIPLES**

The implementation of the recommendations contained in the Programme of Action is the sovereign right of each country, consistent with national laws and development priorities, with full respect for the various religious and ethical values and cultural backgrounds of its people, and in conformity with universally recognised international human rights.

International cooperation and universal solidarity, guided by the principles of the Charter of the United Nations, and in a spirit of partnership, are crucial in order to improve the quality of life of the peoples of the world.

In addressing the mandate of the International Conference on Population and Development and its overall theme, the interrelationships between population, sustained economic growth and sustainable development, and in their deliberations, the participants were and will continue to be guided by the following set of principles:

#### **Principle 1**

All human beings are born free and equal in dignity and rights. Everyone is entitled to all the rights and freedoms set forth in the Universal Declaration of Human Rights, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Everyone has the right to life, liberty and security of person.

#### **Principle 2**

Human beings are at the centre of concerns for sustainable development. They are entitled to a healthy and productive life in harmony with nature. People are the most important and valuable resource of any nation. Countries should ensure that all individuals are given the opportunity to make the most of their potential. They have the right to an adequate standard of living for themselves and their families, including adequate food, clothing, housing, water and sanitation.

#### **Principle 3**

The right to development is a universal and inalienable right and an integral part of fundamental human rights, and the human person is the central subject of development. While development facilitates the enjoyment of all human rights, the lack of development may not be invoked to justify the abridgement of internationally recognised human rights. The right to development must be fulfilled so as to equitably meet the population, development and environment needs of present and future generations.

**Principle 4**

Advancing gender equality and equity and the empowerment of women, and the elimination of all kinds of violence against women, and ensuring women's ability to control their own fertility, are cornerstones of population and development-related programs. The human rights of women and the girl child are an inalienable, integral and indivisible part of universal human rights. The full and equal participation of women in civil, cultural, economic, political and social life, at the national, regional and international levels, and the eradication of all forms of discrimination on grounds of sex, are priority objectives of the international community.

**Principle 5**

Population-related goals and policies are integral parts of cultural, economic and social development, the principal aim of which is to improve the quality of life of all people.

**Principle 6**

Sustainable development as a means to ensure human well-being, equitably shared by all people today and in the future, requires that the interrelationships between population, resources, the environment and development should be fully recognised, properly managed and brought into harmonious, dynamic balance. To achieve sustainable development and a higher quality of life for all people, States should reduce and eliminate unsustainable patterns of production and consumption and promote appropriate policies, including population-related policies, in order to meet the needs of current generations without compromising the ability of future generations to meet their own needs.

**Principle 7**

All States and all people shall cooperate in the essential task of eradicating poverty as an indispensable requirement for sustainable development, in order to decrease the disparities in standards of living and better meet the needs of the majority of the people of the world. The special situation and needs of developing countries, particularly the least developed, shall be given special priority. Countries with economies in transition, as well as all other countries, need to be fully integrated into the world economy.

**Principle 8**

Everyone has the right to the enjoyment of the highest attainable standard of physical and mental health. States should take all appropriate measures to ensure, on a basis of equality of men and women, universal access to health-care services, including those related to reproductive health care, which includes family planning and sexual health. Reproductive health-care programs should provide the widest range of services without any form of coercion. All couples and individuals have the basic right to decide freely and responsibly the number and spacing of their children and to have the information, education and means to do so.

**Principle 9**

The family is the basic unit of society and as such should be strengthened. It is entitled to receive comprehensive protection and support. In different cultural, political and social systems, various forms of the family exist. Marriage must be entered into with the free consent of the intending spouses, and husband and wife should be equal partners.

**Principle 10**

Everyone has the right to education, which shall be directed to the full development of human resources, and human dignity and potential, with particular attention to women and the girl child. Education should be designed to strengthen respect for human rights and fundamental freedoms, including those relating to population and development. The best interests of the child shall be the guiding principle of those responsible for his or her education and guidance; that responsibility lies in the first place with the parents.

### **Principle 11**

All States and families should give the highest possible priority to children. The child has the right to standards of living adequate for its well-being and the right to the highest attainable standards of health, and the right to education. The child has the right to be cared for, guided and supported by parents, families and society and to be protected by appropriate legislative, administrative, social and educational measures from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sale, trafficking, sexual abuse, and trafficking in its organs.

### **Principle 12**

Countries receiving documented migrants should provide proper treatment and adequate social welfare services for them and their families, and should ensure their physical safety and security, bearing in mind the special circumstances and needs of countries, in particular developing countries, attempting to meet these objectives or requirements with regard to undocumented migrants, in conformity with the provisions of relevant conventions and international instruments and documents. Countries should guarantee to all migrants all basic human rights as included in the Universal Declaration of Human Rights.

### **Principle 13**

Everyone has the right to seek and to enjoy in other countries asylum from persecution. States have responsibilities with respect to refugees as set forth in the Geneva Convention on the Status of Refugees and its 1967 Protocol.

### **Principle 14**

In considering the population and development needs of indigenous people, States should recognise and support their identity, culture and interests, and enable them to participate fully in the economic, political and social life of the country, particularly where their health, education and well-being are affected.

### **Principle 15**

Sustained economic growth, in the context of sustainable development, and social progress require that growth be broadly based, offering equal opportunities to all people. All countries should recognise their common but differentiated responsibilities. The developed countries acknowledge the responsibility that they bear in the international pursuit of sustainable development, and should continue to improve their efforts to promote sustained economic growth and to narrow imbalances in a manner that can benefit all countries, particularly the developing countries.

## **Chapter III**

### **INTERRELATIONSHIPS BETWEEN POPULATION, SUSTAINED ECONOMIC GROWTH AND SUSTAINABLE DEVELOPMENT**

#### **A. Integrating population and development strategies**

##### **Basis for action**

- 3.1. The everyday activities of all human beings, communities and countries are interrelated with population change, patterns and levels of use of natural resources, the state of the environment, and the pace and quality of economic and social development. There is general agreement that persistent widespread poverty as well as serious social and gender inequities have significant influences on, and are in turn influenced by, demographic parameters such as population growth, structure and distribution. There is also general agreement that unsustainable consumption and production patterns are contributing to the unsustainable use of natural resources and environmental degradation as well as to the reinforcement of social inequities and of poverty with the above-mentioned consequences for demographic parameters. The Rio Declaration on Environment and Development and Agenda 21, adopted by the

international community at the United Nations Conference on Environment and Development, call for patterns of development that reflect the new understanding of these and other inter-sectoral linkages. Recognising the longer term realities and implications of current actions, the development challenge is to meet the needs of present generations and improve their quality of life without compromising the ability of future generations to meet their own needs.

- 3.2. Despite recent declines in birth rates in many countries, further large increases in population size are inevitable. Owing to the youthful age structure, for numerous countries the coming decades will bring substantial population increases in absolute numbers. Population movements within and between countries, including the very rapid growth of cities and the unbalanced regional distribution of population, will continue and increase in the future.
- 3.3. Sustainable development implies, inter alia, long-term sustainability in production and consumption relating to all economic activities, including industry, energy, agriculture, forestry, fisheries, transport, tourism and infrastructure, in order to optimise ecologically sound resource use and minimise waste. Macroeconomic and sectoral policies have, however, rarely given due attention to population considerations. Explicitly integrating population into economic and development strategies will both speed up the pace of sustainable development and poverty alleviation and contribute to the achievement of population objectives and an improved quality of life of the population.

## Objectives

- 3.4. The objectives are to fully integrate population concerns into:
  - (a) Development strategies, planning, decision-making and resource allocation at all levels and in all regions, with the goal of meeting the needs, and improving the quality of life, of present and future generations;
  - (b) All aspects of development planning in order to promote social justice and to eradicate poverty through sustained economic growth in the context of sustainable development.

## Actions

- 3.5. At the international, regional, national and local levels, population issues should be integrated into the formulation, implementation, monitoring and evaluation of all policies and programmes relating to sustainable development. Development strategies must realistically reflect the short-, medium- and long-term implications of, and consequences for, population dynamics as well as patterns of production and consumption.
- 3.6. Governments, international agencies, non-governmental organisations and other concerned parties should undertake timely and periodic reviews of their development strategies, with the aim of assessing progress towards integrating population into development and environment programmes that take into account patterns of production and consumption and seek to bring about population trends consistent with the achievement of sustainable development and the improvement of the quality of life.
- 3.7. Governments should establish the requisite internal institutional mechanisms and enabling environment, at all levels of society, to ensure that population factors are appropriately addressed within the decision-making and administrative processes of all relevant government agencies responsible for economic, environmental and social policies and programmes.
- 3.8. Political commitment to integrated population and development strategies should be strengthened by public education and information programmes and by increased resource allocation through cooperation among Governments, non-governmental organisations and the private sector, and by improvement of the knowledge base through research and national and local capacity-building.
- 3.9. To achieve sustainable development and a higher quality of life for all people, Governments should reduce and eliminate unsustainable patterns of production and consumption and promote appropriate demographic policies. Developed countries should take the lead in achieving sustainable consumption patterns and effective waste management.

## **B. Population, sustained economic growth and poverty**

### **Basis for action**

- 3.10. Population policies should take into account, as appropriate, development strategies agreed upon in multilateral forums, in particular the International Development Strategy for the Fourth United Nations Development Decade,(16) the Programme of Action for the Least Developed Countries for the 1990s,(17) the outcomes of the eighth session of the United Nations Conference on Trade and Development, and of the Uruguay Round of multilateral trade negotiations, Agenda 21 and the United Nations New Agenda for the Development of Africa in the 1990s.(18)
- 3.11. Gains recorded in recent years in such indicators as life expectancy and national product, while significant and encouraging, do not, unfortunately, fully reflect the realities of life of hundreds of millions of men, women, adolescents and children. Despite decades of development efforts, both the gap between rich and poor nations and the inequalities within nations have widened. Serious economic, social, gender and other inequities persist and hamper efforts to improve the quality of life for hundreds of millions of people. The number of people living in poverty stands at approximately 1 billion and continues to mount.
- 3.12. All countries, more especially developing countries where almost all of the future growth of the world population will occur, and countries with economies in transition, face increasing difficulties in improving the quality of life of their people in a sustainable manner. Many developing countries and countries with economies in transition face major development obstacles, among which are those related to the persistence of trade imbalances, the slow-down in the world economy, the persistence of the debt-servicing problem, and the need for technologies and external assistance. The achievement of sustainable development and poverty eradication should be supported by macroeconomic policies designed to provide an appropriate international economic environment, as well as by good governance, effective national policies and efficient national institutions.
- 3.13. Widespread poverty remains the major challenge to development efforts. Poverty is often accompanied by unemployment, malnutrition, illiteracy, low status of women, exposure to environmental risks and limited access to social and health services, including reproductive health services which, in turn, include family planning. All these factors contribute to high levels of fertility, morbidity and mortality, as well as to low economic productivity. Poverty is also closely related to inappropriate spatial distribution of population, to unsustainable use and inequitable distribution of such natural resources as land and water, and to serious environmental degradation.
- 3.14. Efforts to slow down population growth, to reduce poverty, to achieve economic progress, to improve environmental protection, and to reduce unsustainable consumption and production patterns are mutually reinforcing. Slower population growth has in many countries bought more time to adjust to future population increases. This has increased those countries' ability to attack poverty, protect and repair the environment, and build the base for future sustainable development. Even the difference of a single decade in the transition to stabilisation levels of fertility can have a considerable positive impact on quality of life.
- 3.15. Sustained economic growth within the context of sustainable development is essential to eradicate poverty. Eradication of poverty will contribute to slowing population growth and to achieving early population stabilisation. Investments in fields important to the eradication of poverty, such as basic education, sanitation, drinking water, housing, adequate food supply and infrastructure for rapidly growing populations, continue to strain already weak economies and limit development options. The unusually high number of young people, a consequence of high fertility rates, requires that productive jobs be created for a continually growing labour force under conditions of already widespread unemployment. The numbers of elderly requiring public support will also increase rapidly in the future. Sustained economic growth in the context of sustainable development will be necessary to accommodate those pressures.

### **Objective**

- 3.16. The objective is to raise the quality of life for all people through appropriate population and development policies and programmes aimed at achieving poverty eradication, sustained economic growth in

the context of sustainable development and sustainable patterns of consumption and production, human resource development and the guarantee of all human rights, including the right to development as a universal and inalienable right and an integral part of fundamental human rights. Particular attention is to be given to the socio-economic improvement of poor women in developed and developing countries. As women are generally the poorest of the poor and at the same time key actors in the development process, eliminating social, cultural, political and economic discrimination against women is a prerequisite of eradicating poverty, promoting sustained economic growth in the context of sustainable development, ensuring quality family planning and reproductive health services, and achieving balance between population and available resources and sustainable patterns of consumption and production.

## Actions

- 3.17. Investment in human resource development, in accordance with national policy, must be given priority in population and development strategies and budgets, at all levels, with programmes specifically directed at increased access to information, education, skill development, employment opportunities, both formal and informal, and high-quality general and reproductive health services, including family planning and sexual health care, through the promotion of sustained economic growth within the context of sustainable development in developing countries and countries with economies in transition.
- 3.18. Existing inequities and barriers to women in the workforce should be eliminated and women's participation in all policy-making and implementation, as well as their access to productive resources, and ownership of land, and their right to inherit property should be promoted and strengthened. Governments, non-governmental organisations and the private sector should invest in, promote, monitor and evaluate the education and skill development of women and girls and the legal and economic rights of women, and in all aspects of reproductive health, including family planning and sexual health, in order to enable them to effectively contribute to and benefit from economic growth and sustainable development.
- 3.19. High priority should be given by Governments, non-governmental organisations and the private sector to meeting the needs, and increasing the opportunities for information, education, jobs, skill development and relevant reproductive health services, of all underserved members of society.(19)
- 3.20. Measures should be taken to strengthen food, nutrition and agricultural policies and programmes, and fair trade relations, with special attention to the creation and strengthening of food security at all levels.
- 3.21. Job creation in the industrial, agricultural and service sectors should be facilitated by Governments and the private sector through the establishment of more favourable climates for expanded trade and investment on an environmentally sound basis, greater investment in human resource development and the development of democratic institutions and good governance. Special efforts should be made to create productive jobs through policies promoting efficient and, where required, labour-intensive industries, and transfer of modern technologies.
- 3.22. The international community should continue to promote a supportive economic environment, particularly for developing countries and countries with economies in transition in their attempt to eradicate poverty and achieve sustained economic growth in the context of sustainable development. In the context of the relevant international agreements and commitments, efforts should be made to support those countries, in particular the developing countries, by promoting an open, equitable, secure, non-discriminatory and predictable international trading system; by promoting foreign direct investment; by reducing the debt burden; by providing new and additional financial resources from all available funding sources and mechanisms, including multilateral, bilateral and private sources, including on concessional and grant terms according to sound and equitable criteria and indicators; by providing access to technologies; and by ensuring that structural adjustment programmes are so designed and implemented as to be responsive to social and environmental concerns.

## C. Population and environment

### Basis for action

- 3.23. At the United Nations Conference on Environment and Development, the international community agreed on objectives and actions aimed at integrating environment and development which were in-



cluded in Agenda 21, other Conference outcomes and other international environmental agreements. Agenda 21 has been conceived as a response to the major environment and development challenges, including the economic and social dimensions of sustainable development, such as poverty, consumption, demographic dynamics, human health and human settlement, and to a broad range of environmental and natural resource concerns. Agenda 21 leaves to the International Conference on Population and Development further consideration of the interrelationships between population and the environment.

- 3.24. Meeting the basic human needs of growing populations is dependent on a healthy environment. These human dimensions need to be given attention in developing comprehensive policies for sustainable development in the context of population growth.
- 3.25. Demographic factors, combined with poverty and lack of access to resources in some areas, and excessive consumption and wasteful production patterns in others, cause or exacerbate problems of environmental degradation and resource depletion and thus inhibit sustainable development.
- 3.26. Pressure on the environment may result from rapid population growth, distribution and migration, especially in ecologically vulnerable ecosystems. Urbanisation and policies that do not recognise the need for rural development also create environmental problems.
- 3.27. Implementation of effective population policies in the context of sustainable development, including reproductive health and family-planning programmes, require new forms of participation by various actors at all levels in the policy-making process.

### **Objectives**

- 3.28. Consistent with Agenda 21, the objectives are:
  - (a) To ensure that population, environmental and poverty eradication factors are integrated in sustainable development policies, plans and programmes;
  - (b) To reduce both unsustainable consumption and production patterns as well as negative impacts of demographic factors on the environment in order to meet the needs of current generations without compromising the ability of future generations to meet their own needs.

### **Actions**

- 3.29. Governments at the appropriate level, with the support of the international community and regional and subregional organisations, should formulate and implement population policies and programmes to support the objectives and actions agreed upon in Agenda 21, other Conference outcomes and other international environmental agreements, taking into account the common but differentiated responsibilities reflected in those agreements. Consistent with the framework and priorities set forth in Agenda 21, the following actions, inter alia, are recommended to help achieve population and environment integration:
  - (a) Integrate demographic factors into environment impact assessments and other planning and decision-making processes aimed at achieving sustainable development;
  - (b) Take measures aimed at the eradication of poverty, with special attention to income-generation and employment strategies directed at the rural poor and those living within or on the edge of fragile ecosystems;
  - (c) Utilise demographic data to promote sustainable resource management, especially of ecologically fragile systems;
  - (d) Modify unsustainable consumption and production patterns through economic, legislative and administrative measures, as appropriate, aimed at fostering sustainable resource use and preventing environmental degradation;
  - (e) Implement policies to address the ecological implications of inevitable future increases in population numbers and changes in concentration and distribution, particularly in ecologically vulnerable areas and urban agglomerations.

- 3.30. Measures should be taken to enhance the full participation of all relevant groups, especially women, at all levels of population and environmental decision-making to achieve sustainable management of natural resources.
- 3.31. Research should be undertaken on the linkages among population, consumption and production, the environment and natural resources, and human health as a guide to effective sustainable development policies.
- 3.32. Governments, non-governmental organisations and the private sector should promote public awareness and understanding for the implementation of the above- mentioned actions.

## Chapter IV

### GENDER EQUALITY, EQUITY AND EMPOWERMENT OF WOMEN

#### A. Empowerment and status of women

##### Basis for action

- 4.1. The empowerment and autonomy of women and the improvement of their political, social, economic and health status is a highly important end in itself. In addition, it is essential for the achievement of sustainable development. The full participation and partnership of both women and men is required in productive and reproductive life, including shared responsibilities for the care and nurturing of children and maintenance of the household. In all parts of the world, women are facing threats to their lives, health and well- being as a result of being overburdened with work and of their lack of power and influence. In most regions of the world, women receive less formal education than men, and at the same time, women's own knowledge, abilities and coping mechanisms often go unrecognised. The power relations that impede women's attainment of healthy and fulfilling lives operate at many levels of society, from the most personal to the highly public. Achieving change requires policy and programme actions that will improve women's access to secure livelihoods and economic resources, alleviate their extreme responsibilities with regard to housework, remove legal impediments to their participation in public life, and raise social awareness through effective programmes of education and mass communication. In addition, improving the status of women also enhances their decision-making capacity at all levels in all spheres of life, especially in the area of sexuality and reproduction. This, in turn, is essential for the long- term success of population programmes. Experience shows that population and development programmes are most effective when steps have simultaneously been taken to improve the status of women.
- 4.2. Education is one of the most important means of empowering women with the knowledge, skills and self-confidence necessary to participate fully in the development process. More than 40 years ago, the Universal Declaration of Human Rights asserted that 'everyone has the right to education'. In 1990, Governments meeting at the World Conference on Education for All in Jomtien, Thailand, committed themselves to the goal of universal access to basic education. But despite notable efforts by countries around the globe that have appreciably expanded access to basic education, there are approximately 960 million illiterate adults in the world, of whom two thirds are women. More than one third of the world's adults, most of them women, have no access to printed knowledge, to new skills or to technologies that would improve the quality of their lives and help them shape and adapt to social and economic change. There are 130 million children who are not enrolled in primary school and 70 per cent of them are girls.

##### Objectives

- 4.3. The objectives are:
  - (a) To achieve equality and equity based on harmonious partnership between men and women and enable women to realise their full potential;



- (b) To ensure the enhancement of women's contributions to sustainable development through their full involvement in policy- and decision-making processes at all stages and participation in all aspects of production, employment, income-generating activities, education, health, science and technology, sports, culture and population-related activities and other areas, as active decision makers, participants and beneficiaries;
- (c) To ensure that all women, as well as men, are provided with the education necessary for them to meet their basic human needs and to exercise their human rights.

## **Actions**

- 4.4. Countries should act to empower women and should take steps to eliminate inequalities between men and women as soon as possible by:
  - (a) Establishing mechanisms for women's equal participation and equitable representation at all levels of the political process and public life in each community and society and enabling women to articulate their concerns and needs;
  - (b) Promoting the fulfilment of women's potential through education, skill development and employment, giving paramount importance to the elimination of poverty, illiteracy and ill health among women;
  - (c) Eliminating all practices that discriminate against women; assisting women to establish and realise their rights, including those that relate to reproductive and sexual health;
  - (d) Adopting appropriate measures to improve women's ability to earn income beyond traditional occupations, achieve economic self-reliance, and ensure women's equal access to the labour market and social security systems;
  - (e) Eliminating violence against women;
  - (f) Eliminating discriminatory practices by employers against women, such as those based on proof of contraceptive use or pregnancy status;
  - (g) Making it possible, through laws, regulations and other appropriate measures, for women to combine the roles of child-bearing, breast-feeding and child-rearing with participation in the workforce.
- 4.5. All countries should make greater efforts to promulgate, implement and enforce national laws and international conventions to which they are party, such as the Convention on the Elimination of All Forms of Discrimination against Women, that protect women from all types of economic discrimination and from sexual harassment, and to implement fully the Declaration on the Elimination of Violence against Women and the Vienna Declaration and Programme of Action adopted at the World Conference on Human Rights in 1993. Countries are urged to sign, ratify and implement all existing agreements that promote women's rights.
- 4.6. Governments at all levels should ensure that women can buy, hold and sell property and land equally with men, obtain credit and negotiate contracts in their own name and on their own behalf and exercise their legal rights to inheritance.
- 4.7. Governments and employers are urged to eliminate gender discrimination in hiring, wages, benefits, training and job security with a view to eliminating gender-based disparities in income.
- 4.8. Governments, international organisations and non-governmental organisations should ensure that their personnel policies and practices comply with the principle of equitable representation of both sexes, especially at the managerial and policy-making levels, in all programmes, including population and development programmes. Specific procedures and indicators should be devised for gender-based analysis of development programmes and for assessing the impact of those programmes on women's social, economic and health status and access to resources.

- 4.9. Countries should take full measures to eliminate all forms of exploitation, abuse, harassment and violence against women, adolescents and children. This implies both preventive actions and rehabilitation of victims. Countries should prohibit degrading practices, such as trafficking in women, adolescents and children and exploitation through prostitution, and pay special attention to protecting the rights and safety of those who suffer from these crimes and those in potentially exploitable situations, such as migrant women, women in domestic service and schoolgirls. In this regard, international safeguards and mechanisms for cooperation should be put in place to ensure that these measures are implemented.
- 4.10. Countries are urged to identify and condemn the systematic practice of rape and other forms of inhuman and degrading treatment of women as a deliberate instrument of war and ethnic cleansing and take steps to assure that full assistance is provided to the victims of such abuse for their physical and mental rehabilitation.
- 4.11. The design of family health and other development interventions should take better account of the demands on women's time from the responsibilities of child-rearing, household work and income-generating activities. Male responsibilities should be emphasised with respect to child-rearing and housework. Greater investments should be made in appropriate measures to lessen the daily burden of domestic responsibilities, the greatest share of which falls on women. Greater attention should be paid to the ways in which environmental degradation and changes in land use adversely affect the allocation of women's time. Women's domestic working environments should not adversely affect their health.
- 4.12. Every effort should be made to encourage the expansion and strengthening of grass-roots, community-based and activist groups for women. Such groups should be the focus of national campaigns to foster women's awareness of the full range of their legal rights, including their rights within the family, and to help women organise to achieve those rights.
- 4.13. Countries are strongly urged to enact laws and to implement programmes and policies which will enable employees of both sexes to organise their family and work responsibilities through flexible work-hours, parental leave, day-care facilities, maternity leave, policies that enable working mothers to breast-feed their children, health insurance and other such measures. Similar rights should be ensured to those working in the informal sector.
- 4.14. Programmes to meet the needs of growing numbers of elderly people should fully take into account that women represent the larger proportion of the elderly and that elderly women generally have a lower socio-economic status than elderly men.

## **B. The girl child Basis for action**

- 4.15. Since in all societies discrimination on the basis of sex often starts at the earliest stages of life, greater equality for the girl child is a necessary first step in ensuring that women realise their full potential and become equal partners in development. In a number of countries, the practice of prenatal sex selection, higher rates of mortality among very young girls, and lower rates of school enrolment for girls as compared with boys, suggest that 'son preference' is curtailing the access of girl children to food, education and health care. This is often compounded by the increasing use of technologies to determine foetal sex, resulting in abortion of female foetuses. Investments made in the girl child's health, nutrition and education, from infancy through adolescence, are critical.

## **Objectives**

- 4.16. The objectives are:
- (a) To eliminate all forms of discrimination against the girl child and the root causes of son preference, which results in harmful and unethical practices regarding female infanticide and prenatal sex selection;
  - (b) To increase public awareness of the value of the girl child, and concurrently, to strengthen the girl child's self-image, self-esteem and status;
  - (c) To improve the welfare of the girl child, especially in regard to health, nutrition and education.

## Actions

- 4.17. Overall, the value of girl children to both their family and society must be expanded beyond their definition as potential child-bearers and caretakers and reinforced through the adoption and implementation of educational and social policies that encourage their full participation in the development of the societies in which they live. Leaders at all levels of the society must speak out and act forcefully against patterns of gender discrimination within the family, based on preference for sons. One of the aims should be to eliminate excess mortality of girls, wherever such a pattern exists. Special education and public information efforts are needed to promote equal treatment of girls and boys with respect to nutrition, health care, education and social, economic and political activity, as well as equitable inheritance rights.
- 4.18. Beyond the achievement of the goal of universal primary education in all countries before the year 2015, all countries are urged to ensure the widest and earliest possible access by girls and women to secondary and higher levels of education, as well as to vocational education and technical training, bearing in mind the need to improve the quality and relevance of that education.
- 4.19. Schools, the media and other social institutions should seek to eliminate stereotypes in all types of communication and educational materials that reinforce existing inequities between males and females and undermine girls' self-esteem. Countries must recognise that, in addition to expanding education for girls, teachers' attitudes and practices, school curricula and facilities must also change to reflect a commitment to eliminate all gender bias, while recognising the specific needs of the girl child.
- 4.20. Countries should develop an integrated approach to the special nutritional, general and reproductive health, education and social needs of girls and young women, as such additional investments in adolescent girls can often compensate for earlier inadequacies in their nutrition and health care.
- 4.21. Governments should strictly enforce laws to ensure that marriage is entered into only with the free and full consent of the intending spouses. In addition, Governments should strictly enforce laws concerning the minimum legal age of consent and the minimum age at marriage and should raise the minimum age at marriage where necessary. Governments and non-governmental organisations should generate social support for the enforcement of laws on the minimum legal age at marriage, in particular by providing educational and employment opportunities.
- 4.22. Governments are urged to prohibit female genital mutilation wherever it exists and to give vigorous support to efforts among non-governmental and community organisations and religious institutions to eliminate such practices.
- 4.23. Governments are urged to take the necessary measures to prevent infanticide, prenatal sex selection, trafficking in girl children and use of girls in prostitution and pornography.

### C. Male responsibilities and participation Basis for action

- 4.24. Changes in both men's and women's knowledge, attitudes and behaviour are necessary conditions for achieving the harmonious partnership of men and women. Men play a key role in bringing about gender equality since, in most societies, men exercise preponderant power in nearly every sphere of life, ranging from personal decisions regarding the size of families to the policy and programme decisions taken at all levels of Government. It is essential to improve communication between men and women on issues of sexuality and reproductive health, and the understanding of their joint responsibilities, so that men and women are equal partners in public and private life.

## Objective

- 4.25. The objective is to promote gender equality in all spheres of life, including family and community life, and to encourage and enable men to take responsibility for their sexual and reproductive behaviour and their social and family roles.

## Actions

- 4.26. The equal participation of women and men in all areas of family and household responsibilities, including family planning, child-rearing and housework, should be promoted and encouraged by Governments. This should be pursued by means of information, education, communication, employment legislation and by fostering an economically enabling environment, such as family leave for men and women so that they may have more choice regarding the balance of their domestic and public responsibilities.
- 4.27. Special efforts should be made to emphasise men's shared responsibility and promote their active involvement in responsible parenthood, sexual and reproductive behaviour, including family planning; prenatal, maternal and child health; prevention of sexually transmitted diseases, including HIV; prevention of unwanted and high-risk pregnancies; shared control and contribution to family income, children's education, health and nutrition; and recognition and promotion of the equal value of children of both sexes. Male responsibilities in family life must be included in the education of children from the earliest ages. Special emphasis should be placed on the prevention of violence against women and children.
- 4.28. Governments should take steps to ensure that children receive appropriate financial support from their parents by, among other measures, enforcing child- support laws. Governments should consider changes in law and policy to ensure men's responsibility to and financial support for their children and families. Such laws and policies should also encourage maintenance or reconstitution of the family unit. The safety of women in abusive relationships should be protected.
- 4.29. National and community leaders should promote the full involvement of men in family life and the full integration of women in community life. Parents and schools should ensure that attitudes that are respectful of women and girls as equals are instilled in boys from the earliest possible age, along with an understanding of their shared responsibilities in all aspects of a safe, secure and harmonious family life. Relevant programmes to reach boys before they become sexually active are urgently needed.

## Chapter V

### THE FAMILY, ITS ROLES, RIGHTS, COMPOSITION AND STRUCTURE

#### A. Diversity of family structure and composition

##### Basis for action

- 5.1. While various forms of the family exist in different social, cultural, legal and political systems, the family is the basic unit of society and as such is entitled to receive comprehensive protection and support. The process of rapid demographic and socio-economic change throughout the world has influenced patterns of family formation and family life, generating considerable change in family composition and structure. Traditional notions of gender-based division of parental and domestic functions and participation in the paid labour force do not reflect current realities and aspirations, as more and more women in all parts of the world take up paid employment outside the home. At the same time, widespread migration, forced shifts of population caused by violent conflicts and wars, urbanisation, poverty, natural disasters and other causes of displacement have placed greater strains on the family, since assistance from extended family support networks is often no longer available. Parents are often more dependent on assistance from third parties than they used to be in order to reconcile work and family responsibilities. This is particularly the case when policies and programmes that affect the family ignore the existing diversity of family forms, or are insufficiently sensitive to the needs and rights of women and children.

##### Objectives

- 5.2. The objectives are:
  - (a) To develop policies and laws that better support the family, contribute to its stability and take into account its plurality of forms, particularly the growing number of single-parent households;

- (b) To establish social security measures that address the social, cultural and economic factors behind the increasing costs of child-rearing;
- (c) To promote equality of opportunity for family members, especially the rights of women and children in the family.

### **Actions**

- 5.3. Governments, in cooperation with employers, should provide and promote means to facilitate compatibility between labour force participation and parental responsibilities, especially for single-parent households with young children. Such means could include health insurance and social security, day-care centres and facilities for breast-feeding mothers within the work premises, kindergartens, part-time jobs, paid parental leave, paid maternity leave, flexible work schedules, and reproductive and child health services.
- 5.4. When formulating socio-economic development policies, special consideration should be given to increasing the earning power of all adult members of economically deprived families, including the elderly and women who work in the home, and to enabling children to be educated rather than compelled to work. Particular attention should be paid to needy single parents, especially those who are responsible wholly or in part for the support of children and other dependants, through ensuring payment of at least minimum wages and allowances, credit, education, funding for women's self-help groups and stronger legal enforcement of male parental financial responsibilities.
- 5.5. Governments should take effective action to eliminate all forms of coercion and discrimination in policies and practices. Measures should be adopted and enforced to eliminate child marriages and female genital mutilation. Assistance should be provided to persons with disabilities in the exercise of their family and reproductive rights and responsibilities.
- 5.6. Governments should maintain and further develop mechanisms to document changes and undertake studies on family composition and structure, especially on the prevalence of one-person households, and single-parent and multigenerational families.

### **B. Socio-economic support to the family**

#### **Basis for action**

- 5.7. Families are sensitive to strains induced by social and economic changes. It is essential to grant particular assistance to families in difficult life situations. Conditions have worsened for many families in recent years, owing to lack of gainful employment and measures taken by Governments seeking to balance their budget by reducing social expenditures. There are increasing numbers of vulnerable families, including single-parent families headed by women, poor families with elderly members or those with disabilities, refugee and displaced families, and families with members affected by AIDS or other terminal diseases, substance dependence, child abuse and domestic violence. Increased labour migrations and refugee movements are an additional source of family tension and disintegration and are contributing to increased responsibilities for women. In many urban environments, millions of children and youths are left to their own devices as family ties break down, and hence are increasingly exposed to risks such as dropping out of school, labour exploitation, sexual exploitation, unwanted pregnancies and sexually transmitted diseases.

#### **Objective**

- 5.8. The objective is to ensure that all social and economic development policies are fully responsive to the diverse and changing needs and to the rights of families and their individual members, and provide necessary support and protection, particularly to the most vulnerable families and the most vulnerable family members.

## Actions

- 5.9. Governments should formulate family-sensitive policies in the field of housing, work, health, social security and education in order to create an environment supportive of the family, taking into account its various forms and functions, and should support educational programmes concerning parental roles, parental skills and child development. Governments should, in conjunction with other relevant parties, develop the capacity to monitor the impact of social and economic decisions and actions on the well-being of families, on the status of women within families, and on the ability of families to meet the basic needs of their members.
- 5.10. All levels of Government, non-governmental organisations and concerned community organisations should develop innovative ways to provide more effective assistance to families and the individuals within them who may be affected by specific problems, such as extreme poverty, chronic unemployment, illness, domestic and sexual violence, dowry payments, drug or alcohol dependence, incest, and child abuse, neglect or abandonment.
- 5.11. Governments should support and develop the appropriate mechanisms to assist families caring for children, the dependent elderly and family members with disabilities, including those resulting from HIV/AIDS, encourage the sharing of those responsibilities by men and women, and support the viability of multigenerational families.
- 5.12. Governments and the international community should give greater attention to, and manifest greater solidarity with, poor families and families that have been victimised by war, drought, famine, natural disasters and racial and ethnic discrimination or violence. Every effort should be made to keep their members together, to reunite them in case of separation and to ensure access to government programmes designed to support and assist those vulnerable families.
- 5.13. Governments should assist single-parent families, and pay special attention to the needs of widows and orphans. All efforts should be made to assist the building of family-like ties in especially difficult circumstances, for example, those involving street children.

## Chapter VI

### POPULATION GROWTH AND STRUCTURE

#### A. Fertility, mortality and population growth rates

##### Basis for action

- 6.1. The growth of the world population is at an all-time high in absolute numbers, with current increments approaching 90 million persons annually. According to United Nations projections, annual population increments are likely to remain close to 90 million until the year 2015. While it had taken 123 years for world population to increase from 1 billion to 2 billion, succeeding increments of 1 billion took 33 years, 14 years and 13 years. The transition from the fifth to the sixth billion, currently under way, is expected to take only 11 years and to be completed by 1998. World population grew at the rate of 1.7 per cent per annum during the period 1985-1990, but is expected to decrease during the following decades and reach 1.0 per cent per annum by the period 2020-2025. Nevertheless, the attainment of population stabilisation during the twenty-first century will require the implementation of all the policies and recommendations in the present Programme of Action.
- 6.2. The majority of the world's countries are converging towards a pattern of low birth and death rates, but since those countries are proceeding at different speeds, the emerging picture is that of a world facing increasingly diverse demographic situations. In terms of national averages, during the period 1985-1990, fertility ranged from an estimated 8.5 children per woman in Rwanda to 1.3 children per woman in Italy, while expectation of life at birth, an indicator of mortality conditions, ranged from an estimated 41 years in Sierra Leone to 78.3 years in Japan. In many regions, including some countries with economies in transition, it is estimated that life expectancy at birth has decreased. During the



period 1985-1990, 44 per cent of the world population were living in the 114 countries that had growth rates of more than 2 per cent per annum. These included nearly all the countries in Africa, whose population-doubling time averages about 24 years, two thirds of those in Asia and one third of those in Latin America. On the other hand, 66 countries (the majority of them in Europe), representing 23 per cent of the world population, had growth rates of less than 1 per cent per annum. Europe's population would take more than 380 years to double at current rates. These disparate levels and differentials have implications for the ultimate size and regional distribution of the world population and for the prospects for sustainable development. It is projected that between 1995 and 2015 the population of the more developed regions will increase by some 120 million, while the population of the less developed regions will increase by 1,727 million.

### **Objective**

- 6.3. Recognising that the ultimate goal is the improvement of the quality of life of present and future generations, the objective is to facilitate the demographic transition as soon as possible in countries where there is an imbalance between demographic rates and social, economic and environmental goals, while fully respecting human rights. This process will contribute to the stabilisation of the world population, and, together with changes in unsustainable patterns of production and consumption, to sustainable development and economic growth.

### **Actions**

- 6.4. Countries should give greater attention to the importance of population trends for development. Countries that have not completed their demographic transition should take effective steps in this regard within the context of their social and economic development and with full respect of human rights. Countries that have concluded the demographic transition should take necessary steps to optimise their demographic trends within the context of their social and economic development. These steps include economic development and poverty alleviation, especially in rural areas, improvement of women's status, ensuring of universal access to quality primary education and primary health care, including reproductive health and family-planning services, and educational strategies regarding responsible parenthood and sexual education. Countries should mobilise all sectors of society in these efforts, including non-governmental organisations, local community groups and the private sector.
- 6.5. In attempting to address population growth concerns, countries should recognise the interrelationships between fertility and mortality levels and aim to reduce high levels of infant, child and maternal mortality so as to lessen the need for high fertility and reduce the occurrence of high-risk births.

## **B. Children and youth**

### **Basis for action**

- 6.6. Owing to declining mortality levels and the persistence of high fertility levels, a large number of developing countries continue to have very large proportions of children and young people in their populations. For the less developed regions as a whole, 36 per cent of the population is under age 15, and even with projected fertility declines, that proportion will still be about 30 per cent by the year 2015. In Africa, the proportion of the population under age 15 is 45 per cent, a figure that is projected to decline only slightly, to 40 per cent, in the year 2015. Poverty has a devastating impact on children's health and welfare. Children in poverty are at high risk for malnutrition and disease and for falling prey to labour exploitation, trafficking, neglect, sexual abuse and drug addiction. The ongoing and future demands created by large young populations, particularly in terms of health, education and employment, represent major challenges and responsibilities for families, local communities, countries and the international community. First and foremost among these responsibilities is to ensure that every child is a wanted child. The second responsibility is to recognise that children are the most important resource for

the future and that greater investments in them by parents and societies are essential to the achievement of sustained economic growth and development.

## Objectives

### 6.7. The objectives are:

- (a) To promote to the fullest extent the health, well-being and potential of all children, adolescents and youth as representing the world's future human resources, in line with the commitments made in this respect at the World Summit for Children and in accordance with the Convention on the Rights of the Child;
- (b) To meet the special needs of adolescents and youth, especially young women, with due regard for their own creative capabilities, for social, family and community support, employment opportunities, participation in the political process, and access to education, health, counselling and high-quality reproductive health services;
- (c) To encourage children, adolescents and youth, particularly young women, to continue their education in order to equip them for a better life, to increase their human potential, to help prevent early marriages and high-risk child-bearing and to reduce associated mortality and morbidity.

## Actions

- 6.8. Countries should give high priority and attention to all dimensions of the protection, survival and development of children and youth, particularly street children and youth, and should make every effort to eliminate the adverse effects of poverty on children and youth, including malnutrition and preventable diseases. Equal educational opportunities must be ensured for boys and girls at every level.
- 6.9. Countries should take effective steps to address the neglect, as well as all types of exploitation and abuse, of children, adolescents and youth, such as abduction, rape and incest, pornography, trafficking, abandonment and prostitution. In particular, countries should take appropriate action to eliminate sexual abuse of children both within and outside their borders.
- 6.10. All countries must enact and strictly enforce laws against economic exploitation, physical and mental abuse or neglect of children in keeping with commitments made under the Convention on the Rights of the Child and other relevant United Nations instruments. Countries should provide support and rehabilitation services to those who fall victims to such abuses.
- 6.11. Countries should create a socio-economic environment conducive to the elimination of all child marriages and other unions as a matter of urgency, and should discourage early marriage. The social responsibilities that marriage entails should be reinforced in countries' educational programmes. Governments should take action to eliminate discrimination against young pregnant women.
- 6.12. All countries must adopt collective measures to alleviate the suffering of children in armed conflicts and other disasters, and provide assistance for the rehabilitation of children who become victims of those conflicts and disasters.
- 6.13. Countries should aim to meet the needs and aspirations of youth, particularly in the areas of formal and non-formal education, training, employment opportunities, housing and health, thereby ensuring their integration and participation in all spheres of society, including participation in the political process and preparation for leadership roles.
- 6.14. Governments should formulate, with the active support of non-governmental organisations and the private sector, training and employment programmes. Primary importance should be given to meeting the basic needs of young people, improving their quality of life, and increasing their contribution to sustainable development.
- 6.15. Youth should be actively involved in the planning, implementation and evaluation of development activities that have a direct impact on their daily lives. This is especially important with respect to information, education and communication activities and services concerning reproductive and sexual



health, including the prevention of early pregnancies, sex education and the prevention of HIV/AIDS and other sexually transmitted diseases. Access to, as well as confidentiality and privacy of, these services must be ensured with the support and guidance of their parents and in line with the Convention on the Rights of the Child. In addition, there is a need for educational programmes in favour of life planning skills, healthy lifestyles and the active discouragement of substance abuse.

### **C. Elderly people**

#### **Basis for action**

6.16. The decline in fertility levels, reinforced by continued declines in mortality levels, is producing fundamental changes in the age structure of the population of most societies, most notably record increases in the proportion and number of elderly persons, including a growing number of very elderly persons. In the more developed regions, approximately one person in every six is at least 60 years old, and this proportion will be close to one person in every four by the year 2025. The situation of developing countries that have experienced very rapid declines in their levels of fertility deserves particular attention. In most societies, women, because they live longer than men, constitute the majority of the elderly population and, in many countries, elderly poor women are especially vulnerable. The steady increase of older age groups in national populations, both in absolute numbers and in relation to the working-age population, has significant implications for a majority of countries, particularly with regard to the future viability of existing formal and informal modalities for assistance to elderly people. The economic and social impact of this 'ageing of populations' is both an opportunity and a challenge to all societies. Many countries are currently re-examining their policies in the light of the principle that elderly people constitute a valuable and important component of a society's human resources. They are also seeking to identify how best to assist elderly people with long-term support needs.

#### **Objectives**

6.17. The objectives are:

- (a) To enhance, through appropriate mechanisms, the self-reliance of elderly people, and to create conditions that promote quality of life and enable them to work and live independently in their own communities as long as possible or as desired;
- (b) To develop systems of health care as well as systems of economic and social security in old age, where appropriate, paying special attention to the needs of women;
- (c) To develop a social support system, both formal and informal, with a view to enhancing the ability of families to take care of elderly people within the family.

#### **Actions**

6.18. All levels of government in medium- and long-term socio-economic planning should take into account the increasing numbers and proportions of elderly people in the population. Governments should develop social security systems that ensure greater intergenerational and intra-generational equity and solidarity and that provide support to elderly people through the encouragement of multigenerational families, and the provision of long-term support and services for growing numbers of frail older people.

6.19. Governments should seek to enhance the self-reliance of elderly people to facilitate their continued participation in society. In consultation with elderly people, Governments should ensure that the necessary conditions are developed to enable elderly people to lead self-determined, healthy and productive lives and to make full use of the skills and abilities they have acquired in their lives for the benefit of society. The valuable contribution that elderly people make to families and society, especially as volunteers and caregivers, should be given due recognition and encouragement.

6.20. Governments, in collaboration with non-governmental organisations and the private sector, should strengthen formal and informal support systems and safety nets for elderly people and eliminate all

forms of violence and discrimination against elderly people in all countries, paying special attention to the needs of elderly women.

## D. Indigenous people

### Basis for action

- 6.21. Indigenous people have a distinct and important perspective on population and development relationships, frequently quite different from those of the populations with which they interrelate within national boundaries. In some regions of the world, indigenous people, after long periods of population loss, are experiencing steady and in some places rapid population growth resulting from declining mortality, although morbidity and mortality are generally still much higher than for other sections of the national population. In other regions, however, they are still experiencing a steady population decline as a result of contact with external diseases, loss of land and resources, ecological destruction, displacement, resettlement and disruption of their families, communities and social systems.
- 6.22. The situation of many indigenous groups is often characterised by discrimination and oppression, which are sometimes even institutionalised in national laws and structures of governance. In many cases, unsustainable patterns of production and consumption in the society at large are a key factor in the ongoing destruction of the ecological stability of their lands, as well as in an ongoing exertion of pressure to displace them from those lands. Indigenous people believe that recognition of their rights to their ancestral lands is inextricably linked to sustainable development. Indigenous people call for increased respect for indigenous culture, spirituality, lifestyles and sustainable development models, including traditional systems of land tenure, gender relations, use of resources and knowledge and practice of family planning. At national, regional and international levels, the perspectives of indigenous people have gained increasing recognition, as reflected, inter alia, in the presence of the Working Group on Indigenous Populations at the United Nations Conference on Environment and Development, and the proclamation by the General Assembly of the year 1993 as the International Year of the World's Indigenous People.
- 6.23. The decision of the international community to proclaim an International Decade of the World's Indigenous People, to commence on 10 December 1994, represents a further important step towards fulfilment of the aspirations of indigenous people. The goal of the Decade, which is the strengthening of international cooperation for the solution of problems faced by indigenous people in such areas as human rights, the environment, development, education and health, is acknowledged as directly related to the purpose of the International Conference on Population and Development and the present Programme of Action. Accordingly, the distinct perspectives of indigenous people are incorporated throughout the present Programme of Action within the context of its specific chapters.

### Objectives

- 6.24. The objectives are:
- (a) To incorporate the perspectives and needs of indigenous communities into the design, implementation, monitoring and evaluation of the population, development and environment programmes that affect them;
  - (b) To ensure that indigenous people receive population- and development- related services that they deem socially, culturally and ecologically appropriate;
  - (c) To address social and economic factors that act to disadvantage indigenous people.

### Actions

- 6.25. Governments and other important institutions in society should recognise the distinct perspective of indigenous people on aspects of population and development and, in consultation with indigenous people and in collaboration with concerned non-governmental and intergovernmental organisations, should

address their specific needs, including needs for primary health care and reproductive health services. All human rights violations and discrimination, especially all forms of coercion, must be eliminated.

- 6.26. Within the context of the activities of the International Decade of the World's Indigenous People, the United Nations should, in full cooperation and collaboration with indigenous people and their relevant organisations, develop an enhanced understanding of indigenous people and compile data on their demographic characteristics, both current and historical, as a means of improving the understanding of the population status of indigenous people. Special efforts are necessary to integrate statistics pertaining to indigenous populations into the national data-collection system.
- 6.27. Governments should respect the cultures of indigenous people and enable them to have tenure and manage their lands, protect and restore the natural resources and ecosystems on which indigenous communities depend for their survival and well-being and, in consultation with indigenous people, take this into account in the formulation of national population and development policies.

## **E. Persons with disabilities**

### **Basis for action**

- 6.28. Persons with disabilities constitute a significant proportion of the population. The implementation of the World Programme of Action concerning Disabled Persons (1983-1992) contributed towards increased awareness and expanded knowledge of disability issues, increased the role played by persons with disabilities and by concerned organisations, and contributed towards the improvement and expansion of disability legislation. However, there remains a pressing need for continued action to promote effective measures for the prevention of disability, for rehabilitation and for the realisation of the goals of full participation and equality for persons with disabilities. In its resolution 47/88 of 16 December 1992, the General Assembly encouraged the consideration by, inter alia, the International Conference on Population and Development, of disability issues relevant to the subject-matter of the Conference.

### **Objectives**

- 6.29. The objectives are:
- (a) To ensure the realisation of the rights of all persons with disabilities, and their participation in all aspects of social, economic and cultural life;
  - (b) To create, improve and develop necessary conditions that will ensure equal opportunities for persons with disabilities and the valuing of their capabilities in the process of economic and social development;
  - (c) To ensure the dignity and promote the self-reliance of persons with disabilities.

### **Actions**

- 6.30. Governments at all levels should consider the needs of persons with disabilities in terms of ethical and human rights dimensions. Governments should recognise needs concerning, inter alia, reproductive health, including family planning and sexual health, HIV/AIDS, information, education and communication. Governments should eliminate specific forms of discrimination that persons with disabilities may face with regard to reproductive rights, household and family formation, and international migration, while taking into account health and other considerations relevant under national immigration regulations.
- 6.31. Governments at all levels should develop the infrastructure to address the needs of persons with disabilities, in particular with regard to their education, training and rehabilitation.
- 6.32. Governments at all levels should promote mechanisms ensuring the realisation of the rights of persons with disabilities and reinforce their capabilities of integration.
- 6.33. Governments at all levels should implement and promote a system of follow-up of social and economic integration of persons with disabilities.

## Chapter VII

### REPRODUCTIVE RIGHTS AND REPRODUCTIVE HEALTH

7.1. This chapter is especially guided by the principles contained in chapter II and in particular the introductory paragraphs.

#### A. Reproductive rights and reproductive health

##### Basis for action

- 7.2. Reproductive health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity, in all matters relating to the reproductive system and to its functions and processes. Reproductive health therefore implies that people are able to have a satisfying and safe sex life and that they have the capability to reproduce and the freedom to decide if, when and how often to do so. Implicit in this last condition are the right of men and women to be informed and to have access to safe, effective, affordable and acceptable methods of family planning of their choice, as well as other methods of their choice for regulation of fertility which are not against the law, and the right of access to appropriate health-care services that will enable women to go safely through pregnancy and childbirth and provide couples with the best chance of having a healthy infant. In line with the above definition of reproductive health, reproductive health care is defined as the constellation of methods, techniques and services that contribute to reproductive health and well-being by preventing and solving reproductive health problems. It also includes sexual health, the purpose of which is the enhancement of life and personal relations, and not merely counselling and care related to reproduction and sexually transmitted diseases.
- 7.3. Bearing in mind the above definition, reproductive rights embrace certain human rights that are already recognised in national laws, international human rights documents and other consensus documents. These rights rest on the recognition of the basic right of all couples and individuals to decide freely and responsibly the number, spacing and timing of their children and to have the information and means to do so, and the right to attain the highest standard of sexual and reproductive health. It also includes their right to make decisions concerning reproduction free of discrimination, coercion and violence, as expressed in human rights documents. In the exercise of this right, they should take into account the needs of their living and future children and their responsibilities towards the community. The promotion of the responsible exercise of these rights for all people should be the fundamental basis for government- and community-supported policies and programmes in the area of reproductive health, including family planning. As part of their commitment, full attention should be given to the promotion of mutually respectful and equitable gender relations and particularly to meeting the educational and service needs of adolescents to enable them to deal in a positive and responsible way with their sexuality. Reproductive health eludes many of the world's people because of such factors as: inadequate levels of knowledge about human sexuality and inappropriate or poor-quality reproductive health information and services; the prevalence of high-risk sexual behaviour; discriminatory social practices; negative attitudes towards women and girls; and the limited power many women and girls have over their sexual and reproductive lives. Adolescents are particularly vulnerable because of their lack of information and access to relevant services in most countries. Older women and men have distinct reproductive and sexual health issues which are often inadequately addressed.
- 7.4. The implementation of the present Programme of Action is to be guided by the above comprehensive definition of reproductive health, which includes sexual health.

##### Objectives

- 7.5. The objectives are:
- (a) To ensure that comprehensive and factual information and a full range of reproductive health-care services, including family planning, are accessible, affordable, acceptable and convenient to all users;

- (b) To enable and support responsible voluntary decisions about child-bearing and methods of family planning of their choice, as well as other methods of their choice for regulation of fertility which are not against the law and to have the information, education and means to do so;
- (c) To meet changing reproductive health needs over the life cycle and to do so in ways sensitive to the diversity of circumstances of local communities.

### **Actions**

- 7.6. All countries should strive to make accessible through the primary health-care system, reproductive health to all individuals of appropriate ages as soon as possible and no later than the year 2015. Reproductive health care in the context of primary health care should, inter alia, include: family-planning counselling, information, education, communication and services; education and services for prenatal care, safe delivery and post-natal care, especially breast-feeding and infant and women's health care; prevention and appropriate treatment of infertility; abortion as specified in paragraph 8.25, including prevention of abortion and the management of the consequences of abortion; treatment of reproductive tract infections; sexually transmitted diseases and other reproductive health conditions; and information, education and counselling, as appropriate, on human sexuality, reproductive health and responsible parenthood. Referral for family-planning services and further diagnosis and treatment for complications of pregnancy, delivery and abortion, infertility, reproductive tract infections, breast cancer and cancers of the reproductive system, sexually transmitted diseases, including HIV/AIDS should always be available, as required. Active discouragement of harmful practices, such as female genital mutilation, should also be an integral component of primary health care, including reproductive health-care programmes.
- 7.7. Reproductive health-care programmes should be designed to serve the needs of women, including adolescents, and must involve women in the leadership, planning, decision-making, management, implementation, organisation and evaluation of services. Governments and other organisations should take positive steps to include women at all levels of the health-care system.
- 7.8. Innovative programmes must be developed to make information, counselling and services for reproductive health accessible to adolescents and adult men. Such programmes must both educate and enable men to share more equally in family planning and in domestic and child-rearing responsibilities and to accept the major responsibility for the prevention of sexually transmitted diseases. Programmes must reach men in their workplaces, at home and where they gather for recreation. Boys and adolescents, with the support and guidance of their parents, and in line with the Convention on the Rights of the Child, should also be reached through schools, youth organisations and wherever they congregate. Voluntary and appropriate male methods for contraception, as well as for the prevention of sexually transmitted diseases, including AIDS, should be promoted and made accessible with adequate information and counselling.
- 7.9. Governments should promote much greater community participation in reproductive health-care services by decentralising the management of public health programmes and by forming partnerships in cooperation with local non-governmental organisations and private health-care providers. All types of non-governmental organisations, including local women's groups, trade unions, cooperatives, youth programmes and religious groups, should be encouraged to become involved in the promotion of better reproductive health.
- 7.10. Without jeopardising international support for programmes in developing countries, the international community should, upon request, give consideration to the training, technical assistance, short-term contraceptive supply needs and the needs of the countries in transition from centrally managed to market economies, where reproductive health is poor and in some cases deteriorating. Those countries, at the same time, must themselves give higher priority to reproductive health services, including a comprehensive range of contraceptive means, and must address their current reliance on abortion for fertility regulation by meeting the need of women in those countries for better information and more choices on an urgent basis.

7.11. Migrants and displaced persons in many parts of the world have limited access to reproductive health care and may face specific serious threats to their reproductive health and rights. Services must be particularly sensitive to the needs of individual women and adolescents and responsive to their often powerless situation, with particular attention to those who are victims of sexual violence.

## B. Family planning

### Basis for action

- 7.12. The aim of family-planning programmes must be to enable couples and individuals to decide freely and responsibly the number and spacing of their children and to have the information and means to do so and to ensure informed choices and make available a full range of safe and effective methods. The success of population education and family-planning programmes in a variety of settings demonstrates that informed individuals everywhere can and will act responsibly in the light of their own needs and those of their families and communities. The principle of informed free choice is essential to the long-term success of family-planning programmes. Any form of coercion has no part to play. In every society there are many social and economic incentives and disincentives that affect individual decisions about child-bearing and family size. Over the past century, many Governments have experimented with such schemes, including specific incentives and disincentives, in order to lower or raise fertility. Most such schemes have had only marginal impact on fertility and in some cases have been counterproductive. Governmental goals for family planning should be defined in terms of unmet needs for information and services. Demographic goals, while legitimately the subject of government development strategies, should not be imposed on family-planning providers in the form of targets or quotas for the recruitment of clients.
- 7.13. Over the past three decades, the increasing availability of safer methods of modern contraception, although still in some respects inadequate, has permitted greater opportunities for individual choice and responsible decision-making in matters of reproduction throughout much of the world. Currently, about 55 per cent of couples in developing regions use some method of family planning. This figure represents nearly a fivefold increase since the 1960s. Family-planning programmes have contributed considerably to the decline in average fertility rates for developing countries, from about six to seven children per woman in the 1960s to about three to four children at present. However, the full range of modern family-planning methods still remains unavailable to at least 350 million couples world wide, many of whom say they want to space or prevent another pregnancy. Survey data suggest that approximately 120 million additional women world wide would be currently using a modern family-planning method if more accurate information and affordable services were easily available, and if partners, extended families and the community were more supportive. These numbers do not include the substantial and growing numbers of sexually active unmarried individuals wanting and in need of information and services. During the decade of the 1990s, the number of couples of reproductive age will grow by about 18 million per annum. To meet their needs and close the existing large gaps in services, family planning and contraceptive supplies will need to expand very rapidly over the next several years. The quality of family-planning programmes is often directly related to the level and continuity of contraceptive use and to the growth in demand for services. Family-planning programmes work best when they are part of or linked to broader reproductive health programmes that address closely related health needs and when women are fully involved in the design, provision, management and evaluation of services.

### Objectives

- 7.14. The objectives are:
- (a) To help couples and individuals meet their reproductive goals in a framework that promotes optimum health, responsibility and family well-being, and respects the dignity of all persons and their right to choose the number, spacing and timing of the birth of their children;
  - (b) To prevent unwanted pregnancies and reduce the incidence of high-risk pregnancies and morbidity and mortality;



- (c) To make quality family-planning services affordable, acceptable and accessible to all who need and want them, while maintaining confidentiality;
- (d) To improve the quality of family-planning advice, information, education, communication, counselling and services;
- (e) To increase the participation and sharing of responsibility of men in the actual practice of family planning;
- (f) To promote breast-feeding to enhance birth spacing.

## **Actions**

- 7.15. Governments and the international community should use the full means at their disposal to support the principle of voluntary choice in family planning.
- 7.16. All countries should, over the next several years, assess the extent of national unmet need for good-quality family-planning services and its integration in the reproductive health context, paying particular attention to the most vulnerable and underserved groups in the population. All countries should take steps to meet the family-planning needs of their populations as soon as possible and should, in all cases by the year 2015, seek to provide universal access to a full range of safe and reliable family-planning methods and to related reproductive health services which are not against the law. The aim should be to assist couples and individuals to achieve their reproductive goals and give them the full opportunity to exercise the right to have children by choice.
- 7.17. Governments at all levels are urged to institute systems of monitoring and evaluation of user-centred services with a view to detecting, preventing and controlling abuses by family-planning managers and providers and to ensure a continuing improvement in the quality of services. To this end, Governments should secure conformity to human rights and to ethical and professional standards in the delivery of family planning and related reproductive health services aimed at ensuring responsible, voluntary and informed consent and also regarding service provision. In-vitro fertilisation techniques should be provided in accordance with appropriate ethical guidelines and medical standards.
- 7.18. Non-governmental organisations should play an active role in mobilising community and family support, in increasing access and acceptability of reproductive health services including family planning, and cooperate with Governments in the process of preparation and provision of care, based on informed choice, and in helping to monitor public- and private-sector programmes, including their own.
- 7.19. As part of the effort to meet unmet needs, all countries should seek to identify and remove all the major remaining barriers to the utilisation of family-planning services. Some of those barriers are related to the inadequacy, poor quality and cost of existing family-planning services. It should be the goal of public, private and non-governmental family-planning organisations to remove all programme-related barriers to family-planning use by the year 2005 through the redesign or expansion of information and services and other ways to increase the ability of couples and individuals to make free and informed decisions about the number, spacing and timing of births and protect themselves from sexually transmitted diseases.
- 7.20. Specifically, Governments should make it easier for couples and individuals to take responsibility for their own reproductive health by removing unnecessary legal, medical, clinical and regulatory barriers to information and to access to family-planning services and methods.
- 7.21. All political and community leaders are urged to play a strong, sustained and highly visible role in promoting and legitimising the provision and use of family-planning and reproductive health services. Governments at all levels are urged to provide a climate that is favourable to good-quality public and private family-planning and reproductive health information and services through all possible channels. Finally, leaders and legislators at all levels must translate their public support for reproductive



health, including family planning, into adequate allocations of budgetary, human and administrative resources to help meet the needs of all those who cannot pay the full cost of services.

- 7.22. Governments are encouraged to focus most of their efforts towards meeting their population and development objectives through education and voluntary measures rather than schemes involving incentives and disincentives.
- 7.23. In the coming years, all family-planning programmes must make significant efforts to improve quality of care. Among other measures, programmes should:
- (a) Recognise that appropriate methods for couples and individuals vary according to their age, parity, family-size preference and other factors, and ensure that women and men have information and access to the widest possible range of safe and effective family-planning methods in order to enable them to exercise free and informed choice;
  - (b) Provide accessible, complete and accurate information about various family-planning methods, including their health risks and benefits, possible side effects and their effectiveness in the prevention of the spread of HIV/AIDS and other sexually transmitted diseases;
  - (c) Make services safer, affordable, more convenient and accessible for clients and ensure, through strengthened logistical systems, a sufficient and continuous supply of essential high-quality contraceptives. Privacy and confidentiality should be ensured;
  - (d) Expand and upgrade formal and informal training in sexual and reproductive health care and family planning for all health-care providers, health educators and managers, including training in interpersonal communications and counselling;
  - (e) Ensure appropriate follow-up care, including treatment for side effects of contraceptive use;
  - (f) Ensure availability of related reproductive health services on site or through a strong referral mechanism;
  - (g) In addition to quantitative measures of performance, give more emphasis to qualitative ones that take into account the perspectives of current and potential users of services through such means as effective management information systems and survey techniques for the timely evaluation of services;
  - (h) Family-planning and reproductive health programmes should emphasise breast-feeding education and support services, which can simultaneously contribute to birth spacing, better maternal and child health and higher child survival.
- 7.24. Governments should take appropriate steps to help women avoid abortion, which in no case should be promoted as a method of family planning, and in all cases provide for the humane treatment and counselling of women who have had recourse to abortion.
- 7.25. In order to meet the substantial increase in demand for contraceptives over the next decade and beyond, the international community should move, on an immediate basis, to establish an efficient coordination system and global, regional and sub-regional facilities for the procurement of contraceptives and other commodities essential to reproductive health programmes of developing countries and countries with economies in transition. The international community should also consider such measures as the transfer of technology to developing countries to enable them to produce and distribute high-quality contraceptives and other commodities essential to reproductive health services, in order to strengthen the self-reliance of those countries. At the request of the countries concerned, the World Health Organisation should continue to provide advice on the quality, safety and efficacy of family-planning methods.

7.26. Provision of reproductive health-care services should not be confined to the public sector but should involve the private sector and non-governmental organisations, in accordance with the needs and resources of their communities, and include, where appropriate, effective strategies for cost recovery and service delivery, including social marketing and community-based services. Special efforts should be made to improve accessibility through outreach services.

### **C. Sexually transmitted diseases and prevention of human immunodeficiency virus (HIV)**

#### **Basis for action**

7.27. The world-wide incidence of sexually transmitted diseases is high and increasing. The situation has worsened considerably with the emergence of the HIV epidemic. Although the incidence of some sexually transmitted diseases has stabilised in parts of the world, there have been increasing cases in many regions.

7.28. The social and economic disadvantages that women face make them especially vulnerable to sexually transmitted infections, including HIV, as illustrated, for example, by their exposure to the high-risk sexual behaviour of their partners. For women, the symptoms of infections from sexually transmitted diseases are often hidden, making them more difficult to diagnose than in men, and the health consequences are often greater, including increased risk of infertility and ectopic pregnancy. The risk of transmission from infected men to women is also greater than from infected women to men, and many women are powerless to take steps to protect themselves.

#### **Objective**

7.29. The objective is to prevent, reduce the incidence of, and provide treatment for, sexually transmitted diseases, including HIV/AIDS, and the complications of sexually transmitted diseases such as infertility, with special attention to girls and women.

#### **Actions**

7.30. Reproductive health programmes should increase their efforts to prevent, detect and treat sexually transmitted diseases and other reproductive tract infections, especially at the primary health-care level. Special outreach efforts should be made to those who do not have access to reproductive health-care programmes.

7.31. All health-care providers, including all family-planning providers, should be given specialised training in the prevention and detection of, and counselling on, sexually transmitted diseases, especially infections in women and youth, including HIV/AIDS.

7.32. Information, education and counselling for responsible sexual behaviour and effective prevention of sexually transmitted diseases, including HIV, should become integral components of all reproductive and sexual health services.

7.33. Promotion and the reliable supply and distribution of high-quality condoms should become integral components of all reproductive health-care services. All relevant international organisations, especially the World Health Organisation, should significantly increase their procurement. Governments and the international community should provide all means to reduce the spread and the rate of transmission of HIV/AIDS infection.

### **D. Human sexuality and gender relations**

#### **Basis for action**

7.34. Human sexuality and gender relations are closely interrelated and together affect the ability of men and women to achieve and maintain sexual health and manage their reproductive lives. Equal relationships between men and women in matters of sexual relations and reproduction, including full respect for the physical integrity of the human body, require mutual respect and willingness to accept responsibility

for the consequences of sexual behaviour. Responsible sexual behaviour, sensitivity and equity in gender relations, particularly when instilled during the formative years, enhance and promote respectful and harmonious partnerships between men and women.

- 7.35. Violence against women, particularly domestic violence and rape, is widespread, and rising numbers of women are at risk from AIDS and other sexually transmitted diseases as a result of high-risk sexual behaviour on the part of their partners. In a number of countries, harmful practices meant to control women's sexuality have led to great suffering. Among them is the practice of female genital mutilation, which is a violation of basic rights and a major lifelong risk to women's health.

## Objectives

7.36. The objectives are:

- (a) To promote adequate development of responsible sexuality, permitting relations of equity and mutual respect between the genders and contributing to improving the quality of life of individuals;
- (b) To ensure that women and men have access to the information, education and services needed to achieve good sexual health and exercise their reproductive rights and responsibilities.

## Actions

7.37. Support should be given to integral sexual education and services for young people, with the support and guidance of their parents and in line with the Convention on the Rights of the Child, that stress responsibility of males for their own sexual health and fertility and that help them exercise those responsibilities. Educational efforts should begin within the family unit, in the community and in the schools at an appropriate age, but must also reach adults, in particular men, through non-formal education and a variety of community-based efforts.

7.38. In the light of the urgent need to prevent unwanted pregnancies, the rapid spread of AIDS and other sexually transmitted diseases, and the prevalence of sexual abuse and violence, Governments should base national policies on a better understanding of the need for responsible human sexuality and the realities of current sexual behaviour.

7.39. Active and open discussion of the need to protect women, youth and children from any abuse, including sexual abuse, exploitation, trafficking and violence, must be encouraged and supported by educational programmes at both national and community levels. Governments should set the necessary conditions and procedures to encourage victims to report violations of their rights. Laws addressing those concerns should be enacted where they do not exist, made explicit, strengthened and enforced, and appropriate rehabilitation services provided. Governments should also prohibit the production and the trade of child pornography.

7.40. Governments and communities should urgently take steps to stop the practice of female genital mutilation and protect women and girls from all such similar unnecessary and dangerous practices. Steps to eliminate the practice should include strong community outreach programmes involving village and religious leaders, education and counselling about its impact on girls' and women's health, and appropriate treatment and rehabilitation for girls and women who have suffered mutilation. Services should include counselling for women and men to discourage the practice.

## E. Adolescents

### Basis for action

7.41. The reproductive health needs of adolescents as a group have been largely ignored to date by existing reproductive health services. The response of societies to the reproductive health needs of adolescents should be based on information that helps them attain a level of maturity required to make responsible decisions. In particular, information and services should be made available to adolescents to help them understand their sexuality and protect them from unwanted pregnancies, sexually transmitted

diseases and subsequent risk of infertility. This should be combined with the education of young men to respect women's self-determination and to share responsibility with women in matters of sexuality and reproduction. This effort is uniquely important for the health of young women and their children, for women's self-determination and, in many countries, for efforts to slow the momentum of population growth. Motherhood at a very young age entails a risk of maternal death that is much greater than average, and the children of young mothers have higher levels of morbidity and mortality. Early child-bearing continues to be an impediment to improvements in the educational, economic and social status of women in all parts of the world. Overall for young women, early marriage and early motherhood can severely curtail educational and employment opportunities and are likely to have a long-term, adverse impact on their and their children's quality of life.

- 7.42. Poor educational and economic opportunities and sexual exploitation are important factors in the high levels of adolescent child-bearing. In both developed and developing countries, adolescents faced with few apparent life choices have little incentive to avoid pregnancy and child-bearing.
- 7.43. In many societies, adolescents face pressures to engage in sexual activity. Young women, particularly low-income adolescents, are especially vulnerable. Sexually active adolescents of both sexes are increasingly at high risk of contracting and transmitting sexually transmitted diseases, including HIV/AIDS, and they are typically poorly informed about how to protect themselves. Programmes for adolescents have proven most effective when they secure the full involvement of adolescents in identifying their reproductive and sexual health needs and in designing programmes that respond to those needs.

### **Objectives**

7.44. The objectives are:

- (a) To address adolescent sexual and reproductive health issues, including unwanted pregnancy, unsafe abortion and sexually transmitted diseases, including HIV/AIDS, through the promotion of responsible and healthy reproductive and sexual behaviour, including voluntary abstinence, and the provision of appropriate services and counselling specifically suitable for that age group;
- (b) To substantially reduce all adolescent pregnancies.

### **Actions**

- 7.45. Recognising the rights, duties and responsibilities of parents and other persons legally responsible for adolescents to provide, in a manner consistent with the evolving capacities of the adolescent, appropriate direction and guidance in sexual and reproductive matters, countries must ensure that the programmes and attitudes of health-care providers do not restrict the access of adolescents to appropriate services and the information they need, including on sexually transmitted diseases and sexual abuse. In doing so, and in order to, inter alia, address sexual abuse, these services must safeguard the rights of adolescents to privacy, confidentiality, respect and informed consent, respecting cultural values and religious beliefs. In this context, countries should, where appropriate, remove legal, regulatory and social barriers to reproductive health information and care for adolescents.
- 7.46. Countries, with the support of the international community, should protect and promote the rights of adolescents to reproductive health education, information and care and greatly reduce the number of adolescent pregnancies.
- 7.47. Governments, in collaboration with non-governmental organisations, are urged to meet the special needs of adolescents and to establish appropriate programmes to respond to those needs. Such programmes should include support mechanisms for the education and counselling of adolescents in the areas of gender relations and equality, violence against adolescents, responsible sexual behaviour, responsible family-planning practice, family life, reproductive health, sexually transmitted diseases, HIV infection and AIDS prevention. Programmes for the prevention and treatment of sexual abuse and incest and other reproductive health services should be provided. Such programmes should provide in-

formation to adolescents and make a conscious effort to strengthen positive social and cultural values. Sexually active adolescents will require special family-planning information, counselling and services, and those who become pregnant will require special support from their families and community during pregnancy and early child care. Adolescents must be fully involved in the planning, implementation and evaluation of such information and services with proper regard for parental guidance and responsibilities.

- 7.48. Programmes should involve and train all who are in a position to provide guidance to adolescents concerning responsible sexual and reproductive behaviour, particularly parents and families, and also communities, religious institutions, schools, the mass media and peer groups. Governments and non-governmental organisations should promote programmes directed to the education of parents, with the objective of improving the interaction of parents and children to enable parents to comply better with their educational duties to support the process of maturation of their children, particularly in the areas of sexual behaviour and reproductive health.

## Chapter VIII

### HEALTH, MORBIDITY AND MORTALITY

#### A. Primary health care and the health-care sector

##### Basis for action

- 8.1. One of the main achievements of the twentieth century has been the unprecedented increase in human longevity. In the past half century, expectation of life at birth in the world as a whole has increased by about 20 years, and the risk of dying in the first year of life has been reduced by nearly two thirds. Nevertheless, these achievements fall short of the much greater improvements that had been anticipated in the World Population Plan of Action and the Declaration of Alma Ata, adopted by the International Conference on Primary Health Care in 1978. There remain entire national populations and sizeable population groups within many countries that are still subject to very high rates of morbidity and mortality. Differences linked to socio-economic status or ethnicity are often substantial. In many countries with economies in transition, the mortality rate has considerably increased as a result of deaths caused by accidents and violence.
- 8.2. The increases in life expectancy recorded in most regions of the world reflect significant gains in public health and in access to primary health-care services. Notable achievements include the vaccination of about 80 per cent of the children in the world and the widespread use of low-cost treatments, such as oral rehydration therapy, to ensure that more children survive. Yet these achievements have not been realised in all countries, and preventable or treatable illnesses are still the leading killers of young children. Moreover, large segments of many populations continue to lack access to clean water and sanitation facilities, are forced to live in congested conditions and lack adequate nutrition. Large numbers of people remain at continued risk of infectious, parasitic and water-borne diseases, such as tuberculosis, malaria and schistosomiasis. In addition, the health effects of environmental degradation and exposure to hazardous substances in the workplace are increasingly a cause of concern in many countries. Similarly, the growing consumption of tobacco, alcohol and drugs will precipitate a marked increase in costly chronic diseases among working age and elderly people. The impact of reductions in expenditures for health and other social services which have taken place in many countries as a result of public-sector retrenchment, misallocation of available health resources, structural adjustment and the transition to market economies has pre-empted significant changes in lifestyles, livelihoods and consumption patterns and is also a factor in increasing morbidity and mortality. Although economic reforms are essential to sustained economic growth, it is equally essential that the design and implementation of structural adjustment programmes incorporate the social dimension.

## Objectives

8.3. The objectives are:

- (a) To increase the accessibility, availability, acceptability and affordability of health-care services and facilities to all people in accordance with national commitments to provide access to basic health care for all;
- (b) To increase the healthy life-span and improve the quality of life of all people, and to reduce disparities in life expectancy between and within countries.

## Actions

- 8.4. All countries should make access to basic health care and health promotion the central strategies for reducing mortality and morbidity. Sufficient resources should be assigned so that primary health services attain full coverage of the population. Governments should strengthen health and nutrition information, education and communication activities so as to enable people to increase their control over and improve their health. Governments should provide the necessary backup facilities to meet the demand created.
- 8.5. In keeping with the Declaration of Alma Ata, all countries should reduce mortality and morbidity and seek to make primary health care, including reproductive health care, available universally by the end of the current decade. Countries should aim to achieve by 2005 a life expectancy at birth greater than 70 years and by 2015 a life expectancy at birth greater than 75 years. Countries with the highest levels of mortality should aim to achieve by 2005 a life expectancy at birth greater than 65 years and by 2015 a life expectancy at birth greater than 70 years. Efforts to ensure a longer and healthier life for all should emphasise the reduction of morbidity and mortality differentials between males and females as well as among geographical regions, social classes and indigenous and ethnic groups.
- 8.6. The role of women as primary custodians of family health should be recognised and supported. Access to basic health care, expanded health education, the availability of simple cost-effective remedies, and the reappraisal of primary health-care services, including reproductive health-care services to facilitate the proper use of women's time, should be provided.
- 8.7. Governments should ensure community participation in health policy planning, especially with respect to the long-term care of the elderly, those with disabilities and those infected with HIV and other endemic diseases. Such participation should also be promoted in child-survival and maternal health programmes, breast-feeding support programmes, programmes for the early detection and treatment of cancer of the reproductive system, and programmes for the prevention of HIV infection and other sexually transmitted diseases.
- 8.8. All countries should re-examine training curricula and the delegation of responsibilities within the health-care delivery system in order to reduce frequent, unnecessary and costly reliance on physicians and on secondary- and tertiary-care facilities, while maintaining effective referral services. Access to health-care services for all people and especially for the most underserved and vulnerable groups must be ensured. Governments should seek to make basic health-care services more sustainable financially, while ensuring equitable access, by integrating reproductive health services, including maternal and child health and family-planning services, and by making appropriate use of community-based services, social marketing and cost-recovery schemes, with a view to increasing the range and quality of services available. The involvement of users and the community in the financial management of health-care services should be promoted.
- 8.9. Through technology transfer, developing countries should be assisted in building their capacity to produce generic drugs for the domestic market and to ensure the wide availability and accessibility of such drugs. To meet the substantial increase in demand for vaccines, antibiotics and other commodities over



the next decade and beyond, the international community should strengthen global, regional and local mechanisms for the production, quality control and procurement of those items, where feasible, in developing countries. The international community should facilitate regional cooperation in the manufacture, quality control and distribution of vaccines.

- 8.10. All countries should give priority to measures that improve the quality of life and health by ensuring a safe and sanitary living environment for all population groups through measures aimed at avoiding crowded housing conditions, reducing air pollution, ensuring access to clean water and sanitation, improving waste management, and increasing the safety of the workplace. Special attention should be given to the living conditions of the poor and disadvantaged in urban and rural areas. The impact of environmental problems on health, particularly that of vulnerable groups, should be monitored by Governments on a regular basis.
- 8.11. Reform of the health sector and health policy, including the rational allocation of resources, should be promoted in order to achieve the stated objectives. All Governments should examine ways to maximise the cost-effectiveness of health programmes in order to achieve increased life expectancy, reduce morbidity and mortality and ensure access to basic health-care services for all people.

## **B. Child survival and health**

### **Basis for action**

- 8.12. Important progress has been made in reducing infant and child mortality rates everywhere. Improvements in the survival of children have been the main component of the overall increase in average life expectancy in the world over the past century, first in the developed countries and over the past 50 years in the developing countries. The number of infant deaths (i.e., of children under age 1) per 1,000 live births at the world level declined from 92 in 1970-1975 to about 62 in 1990-1995. For developed regions, the decline was from 22 to 12 infant deaths per 1,000 births, and for developing countries from 105 to 69 infant deaths per 1,000 births. Improvements have been slower in sub-Saharan Africa and in some Asian countries where, during 1990-1995, more than one in every 10 children born alive will die before their first birthday. The mortality of children under age 5 exhibits significant variations between and within regions and countries. Indigenous people generally have higher infant and child mortality rates than the national norm. Poverty, malnutrition, a decline in breast-feeding, and inadequacy or lack of sanitation and of health facilities are all factors associated with high infant and child mortality. In some countries, civil unrest and wars have also had major negative impacts on child survival. Unwanted births, child neglect and abuse are also factors contributing to the rise in child mortality. In addition, HIV infection can be transmitted from mother to child before or during childbirth, and young children whose mothers die are at a very high risk of dying themselves at a young age.
- 8.13. The World Summit for Children, held in 1990, adopted a set of goals for children and development up to the year 2000, including a reduction in infant and under-5 child mortality rates by one third, or to 50 and 70 per 1,000 live births, respectively, whichever is less. These goals are based on the accomplishments of child-survival programmes during the 1980s, which demonstrate not only that effective low-cost technologies are available but also that they can be delivered efficiently to large populations. However, the morbidity and mortality reductions achieved through extraordinary measures in the 1980s are in danger of being eroded if the broad-based health-delivery systems established during the decade are not institutionalised and sustained.
- 8.14. Child survival is closely linked to the timing, spacing and number of births and to the reproductive health of mothers. Early, late, numerous and closely spaced pregnancies are major contributors to high infant and child mortality and morbidity rates, especially where health-care facilities are scarce. Where infant mortality remains high, couples often have more children than they otherwise would to ensure that a desired number survive.



## Objectives

8.15. The objectives are:

- (a) To promote child health and survival and to reduce disparities between and within developed and developing countries as quickly as possible, with particular attention to eliminating the pattern of excess and preventable mortality among girl infants and children;
- (b) To improve the health and nutritional status of infants and children;
- (c) To promote breast-feeding as a child-survival strategy.

## Actions

- 8.16. Over the next 20 years, through international cooperation and national programmes, the gap between average infant and child mortality rates in the developed and the developing regions of the world should be substantially narrowed, and disparities within countries, those between geographical regions, ethnic or cultural groups, and socio-economic groups should be eliminated. Countries with indigenous people should achieve infant and under-5 mortality levels among their indigenous people that are the same as those of the general population. Countries should strive to reduce their infant and under-5 mortality rates by one third, or to 50 and 70 per 1,000 live births, respectively, whichever is less, by the year 2000, with appropriate adaptation to the particular situation of each country. By 2005, countries with intermediate mortality levels should aim to achieve an infant mortality rate below 50 deaths per 1,000 and an under-5 mortality rate below 60 deaths per 1,000 births. By 2015, all countries should aim to achieve an infant mortality rate below 35 per 1,000 live births and an under-5 mortality rate below 45 per 1,000. Countries that achieve these levels earlier should strive to lower them further.
- 8.17. All Governments should assess the underlying causes of high child mortality and should, within the framework of primary health care, extend integrated reproductive health-care and child-health services, [including safe motherhood,(21) child-survival programmes and family-planning services, to all the population and particularly to the most vulnerable and underserved groups. Such services should include prenatal care and counselling, with special emphasis on high-risk pregnancies and the prevention of sexually transmitted diseases and HIV infection; adequate delivery assistance; and neonatal care, including exclusive breast-feeding, information on optimal breast-feeding and on proper weaning practices, and the provision of micronutrient supplementation and tetanus toxoid, where appropriate. Interventions to reduce the incidence of low birth weight and other nutritional deficiencies, such as anaemia, should include the promotion of maternal nutrition through information, education and counselling and the promotion of longer intervals between births. All countries should give priority to efforts to reduce the major childhood diseases, particularly infectious and parasitic diseases, and to prevent malnutrition among children, especially the girl child, through measures aimed at eradicating poverty and ensuring that all children live in a sanitary environment and by disseminating information on hygiene and nutrition. It is also important to provide parents with information and education about child care, including the use of mental and physical stimulation.
- 8.18. For infants and children to receive the best nutrition and for specific protection against a range of diseases, breast-feeding should be protected, promoted and supported. By means of legal, economic, practical and emotional support, mothers should be enabled to breast-feed their infants exclusively for four to six months without food or drink supplementation and to continue breast-feeding infants with appropriate and adequate complementary food up to the age of two years or beyond. To achieve these goals, Governments should promote public information on the benefits of breast-feeding; health personnel should receive training on the management of breast-feeding; and countries should examine ways and means to implement fully the WHO International Code of Marketing of Breast Milk Substitutes.

### C. Women's health and safe motherhood

#### Basis for action

- 8.19. Complications related to pregnancy and childbirth are among the leading causes of mortality for women of reproductive age in many parts of the developing world. At the global level, it has been estimated

that about half a million women die each year of pregnancy-related causes, 99 per cent of them in developing countries. The gap in maternal mortality between developed and developing countries is wide: in 1988, it ranged from more than 700 per 100,000 live births in the least developed countries to about 26 per 100,000 live births in the developed regions. Rates of 1,000 or more maternal deaths per 100,000 live births have been reported in several rural areas of Africa, giving women with many pregnancies a high lifetime risk of death during their reproductive years. According to the World Health Organisation, the lifetime risk of dying from pregnancy or childbirth-related causes is 1 in 20 in some developing countries, compared to 1 in 10,000 in some developed countries. The age at which women begin or stop child-bearing, the interval between each birth, the total number of lifetime pregnancies and the socio-cultural and economic circumstances in which women live all influence maternal morbidity and mortality. At present, approximately 90 per cent of the countries of the world, representing 96 per cent of the world population, have policies that permit abortion under varying legal conditions to save the life of a woman. However, a significant proportion of the abortions carried out are self-induced or otherwise unsafe, leading to a large fraction of maternal deaths or to permanent injury to the women involved. Maternal deaths have very serious consequences within the family, given the crucial role of the mother for her children's health and welfare. The death of the mother increases the risk to the survival of her young children, especially if the family is not able to provide a substitute for the maternal role. Greater attention to the reproductive health needs of female adolescents and young women could prevent the major share of maternal morbidity and mortality through prevention of unwanted pregnancies and any subsequent poorly managed abortion. Safe motherhood has been accepted in many countries as a strategy to reduce maternal morbidity and mortality.

## Objectives

8.20. The objectives are:

- (a) To promote women's health and safe motherhood; to achieve a rapid and substantial reduction in maternal morbidity and mortality and reduce the differences observed between developing and developed countries and within countries. On the basis of a commitment to women's health and well-being, to reduce greatly the number of deaths and morbidity from unsafe abortion(20)
- (b) To improve the health and nutritional status of women, especially of pregnant and nursing women.

## Actions

- 8.21. Countries should strive to effect significant reductions in maternal mortality by the year 2015: a reduction in maternal mortality by one half of the 1990 levels by the year 2000 and a further one half by 2015. The realisation of these goals will have different implications for countries with different 1990 levels of maternal mortality. Countries with intermediate levels of mortality should aim to achieve by the year 2005 a maternal mortality rate below 100 per 100,000 live births and by the year 2015 a maternal mortality rate below 60 per 100,000 live births. Countries with the highest levels of mortality should aim to achieve by 2005 a maternal mortality rate below 125 per 100,000 live births and by 2015 a maternal mortality rate below 75 per 100,000 live births.] However, all countries should reduce maternal morbidity and mortality to levels where they no longer constitute a public health problem. Disparities in maternal mortality within countries and between geographical regions, socio-economic and ethnic groups should be narrowed.
- 8.22. All countries, with the support of all sections of the international community, must expand the provision of maternal health services in the context of primary health care. These services, based on the concept of informed choice, should include education on safe motherhood, prenatal care that is focused and effective, maternal nutrition programmes, adequate delivery assistance that avoids excessive recourse to caesarean sections and provides for obstetric emergencies; referral services for pregnancy, childbirth and abortion complications; post-natal care and family planning. All births should be assisted by trained persons, preferably nurses and midwives, but at least by trained birth attendants. The underlying causes of maternal morbidity and mortality should be identified, and attention should be

given to the development of strategies to overcome them and for adequate evaluation and monitoring mechanisms to assess the progress being made in reducing maternal mortality and morbidity and to enhance the effectiveness of ongoing programmes. Programmes and education to engage men's support for maternal health and safe motherhood should be developed.

- 8.23. All countries, especially developing countries, with the support of the international community, should aim at further reductions in maternal mortality through measures to prevent, detect and manage high-risk pregnancies and births, particularly those to adolescents and late-parity women.
- 8.24. All countries should design and implement special programmes to address the nutritional needs of women of child-bearing age, especially those who are pregnant or breast-feeding, and should give particular attention to the prevention and management of nutritional anaemia and iodine-deficiency disorders. Priority should be accorded to improving the nutritional and health status of young women through education and training as part of maternal health and safe motherhood programmes. Adolescent females and males should be provided with information, education and counselling to help them delay early family formation, premature sexual activity and first pregnancy.
- 8.25. In no case should abortion be promoted as a method of family planning. All Governments and relevant intergovernmental and non-governmental organisations are urged to strengthen their commitment to women's health, to deal with the health impact of unsafe abortion(20) as a major public health concern and to reduce the recourse to abortion through expanded and improved family-planning services. Prevention of unwanted pregnancies must always be given the highest priority and every attempt should be made to eliminate the need for abortion. Women who have unwanted pregnancies should have ready access to reliable information and compassionate counselling. Any measures or changes related to abortion within the health system can only be determined at the national or local level according to the national legislative process. In circumstances where abortion is not against the law, such abortion should be safe. In all cases, women should have access to quality services for the management of complications arising from abortion. Post-abortion counselling, education and family-planning services should be offered promptly, which will also help to avoid repeat abortions.
- 8.26. Programmes to reduce maternal morbidity and mortality should include information and reproductive health services, including family-planning services. In order to reduce high-risk pregnancies, maternal health and safe motherhood programmes should include counselling and family-planning information.
- 8.27. All countries, as a matter of some urgency, need to seek changes in high-risk sexual behaviour and devise strategies to ensure that men share responsibility for sexual and reproductive health, including family planning, and for preventing and controlling sexually transmitted diseases, HIV infection and AIDS.

**D. Human immunodeficiency virus (HIV) infection and acquired immunodeficiency syndrome (AIDS)**

**Basis for action**

- 8.28. The AIDS pandemic is a major concern in both developed and developing countries. WHO estimates that the cumulative number of AIDS cases in the world amounted to 2.5 million persons by mid-1993 and that more than 14 million people had been infected with HIV since the pandemic began, a number that is projected to rise to between 30 million and 40 million by the end of the decade if effective prevention strategies are not pursued. As of mid-1993, about four fifths of all persons ever infected with HIV lived in developing countries where the infection was being transmitted mainly through heterosexual intercourse and the number of new cases was rising most rapidly among women. As a consequence, a growing number of children are becoming orphans, themselves at high risk of illness and death. In many countries, the pandemic is now spreading from urban to rural areas and between rural areas and is affecting economic and agricultural production.

## Objectives

8.29. The objectives are:

- (a) To prevent, reduce the spread of and minimise the impact of HIV infection; to increase awareness of the disastrous consequences of HIV infection and AIDS and associated fatal diseases, at the individual, community and national levels, and of the ways of preventing it; to address the social, economic, gender and racial inequities that increase vulnerability to the disease;
- (b) To ensure that HIV-infected individuals have adequate medical care and are not discriminated against; to provide counselling and other support for people infected with HIV and to alleviate the suffering of people living with AIDS and that of their family members, especially orphans; to ensure that the individual rights and the confidentiality of persons infected with HIV are respected; to ensure that sexual and reproductive health programmes address HIV infection and AIDS;
- (c) To intensify research on methods to control the HIV/AIDS pandemic and to find an effective treatment for the disease.

## Actions

- 8.30. Governments should assess the demographic and development impact of HIV infection and AIDS. The AIDS pandemic should be controlled through a multi-sectoral approach that pays sufficient attention to its socio-economic ramifications, including the heavy burden on health infrastructure and household income, its negative impact on the labour force and productivity, and the increasing number of orphaned children. Multisectoral national plans and strategies to deal with AIDS should be integrated into population and development strategies. The socio-economic factors underlying the spread of HIV infection should be investigated, and programmes to address the problems faced by those left orphaned by the AIDS pandemic should be developed.
- 8.31. Programmes to reduce the spread of HIV infection should give high priority to information, education and communication campaigns to raise awareness and emphasise behavioural change. Sex education and information should be provided to both those infected and those not infected, and especially to adolescents. Health providers, including family-planning providers, need training in counselling on sexually transmitted diseases and HIV infection, including the assessment and identification of high-risk behaviours needing special attention and services; training in the promotion of safe and responsible sexual behaviour, including voluntary abstinence, and condom use; training in the avoidance of contaminated equipment and blood products; and in the avoidance of sharing needles among injecting drug users. Governments should develop guidelines and counselling services on AIDS and sexually transmitted diseases within the primary health-care services. Wherever possible, reproductive health programmes, including family-planning programmes, should include facilities for the diagnosis and treatment of common sexually transmitted diseases, including reproductive tract infection, recognising that many sexually transmitted diseases increase the risk of HIV transmission. The links between the prevention of HIV infection and the prevention and treatment of tuberculosis should be assured.
- 8.32. Governments should mobilise all segments of society to control the AIDS pandemic, including non-governmental organisations, community organisations, religious leaders, the private sector, the media, schools and health facilities. Mobilisation at the family and community levels should be given priority. Communities need to develop strategies that respond to local perceptions of the priority accorded to health issues associated with the spread of HIV and sexually transmitted diseases.
- 8.33. The international community should mobilise the human and financial resources required to reduce the rate of transmission of HIV infection. To that end, research on a broad range of approaches to prevent HIV transmission and to seek a cure for the disease should be promoted and supported by all countries. In particular, donor and research communities should support and strengthen current efforts to find a vaccine and to develop women-controlled methods, such as vaginal microbicides, to prevent HIV infection. Increased support is also needed for the treatment and care of HIV-infected persons and AIDS patients. The coordination of activities to combat the AIDS pandemic must be enhanced. Particular at-

tion should be given to activities of the United Nations system at the national level, where measures such as joint programmes can improve coordination and ensure a more efficient use of scarce resources. The international community should also mobilise its efforts in monitoring and evaluating the results of various efforts to search for new strategies.

- 8.34. Governments should develop policies and guidelines to protect the individual rights of and eliminate discrimination against persons infected with HIV and their families. Services to detect HIV infection should be strengthened, making sure that they ensure confidentiality. Special programmes should be devised to provide care and the necessary emotional support to men and women affected by AIDS and to counsel their families and near relations.
- 8.35. Responsible sexual behaviour, including voluntary sexual abstinence, for the prevention of HIV infection should be promoted and included in education and information programmes. Condoms and drugs for the prevention and treatment of sexually transmitted diseases should be made widely available and affordable and should be included in all essential drug lists. Effective action should be taken to further control the quality of blood products and equipment decontamination.

## Chapter IX

### POPULATION DISTRIBUTION, URBANISATION AND INTERNAL MIGRATION

#### A. Population distribution and sustainable development

##### Basis for action

- 9.1. In the early 1990s, approximately half of the Governments in the world, mostly those of developing countries, considered the patterns of population distribution in their territories to be unsatisfactory and wished to modify them. A key issue was the rapid growth of urban areas, which are expected to house more than half of the world population by 2005. Consequently, attention has mostly been paid to rural-urban migration, although rural-rural and urban-urban migration are in fact the dominant forms of spatial mobility in many countries. The process of urbanisation is an intrinsic dimension of economic and social development and, in consequence, both developed and developing countries are going through the process of shifting from predominantly rural to predominantly urban societies. For individuals, migration is often a rational and dynamic effort to seek new opportunities in life. Cities are centres of economic growth, providing the impetus for socio-economic innovation and change. However, migration is also prompted by push factors, such as inequitable allocation of development resources, adoption of inappropriate technologies and lack of access to available land. The alarming consequences of urbanisation visible in many countries are related to its rapid pace, to which Governments have been unable to respond with their current management capacities and practices. Even in developing countries, however, there are already signs of a changing pattern of population distribution, in the sense that the trend towards concentration in a few large cities is giving way to a more widespread distribution in medium-sized urban centres. This movement is also found in some developed countries, with people indicating preference for living in smaller places. Effective population distribution policies are those that, while respecting the right of individuals to live and work in the community of their choice, take into account the effects of development strategies on population distribution. Urbanisation has profound implications for the livelihood, way of life and values of individuals. At the same time, migration has economic, social and environmental implications - both positive and negative - for the places of origin and destination.

##### Objectives

- 9.2. The objectives are:
  - (a) To foster a more balanced spatial distribution of the population by promoting in an integrated manner the equitable and ecologically sustainable development of major sending and receiving areas,



with particular emphasis on the promotion of economic, social and gender equity based on respect for human rights, especially the right to development;

- (b) To reduce the role of the various push factors as they relate to migration flows.

## Actions

- 9.3. Governments formulating population distribution policies should ensure that the objectives and goals of those policies are consistent with other development goals, policies and basic human rights. Governments, assisted by interested local, regional and intergovernmental agencies, should assess on a regular basis how the consequences of their economic and environmental policies, sectoral priorities, infrastructure investment and balance of resources among regional, central, provincial and local authorities influence population distribution and internal migration, both permanent and temporary.
- 9.4. In order to achieve a balanced spatial distribution of production employment and population, countries should adopt sustainable regional development strategies and strategies for the encouragement of urban consolidation, the growth of small or medium-sized urban centres and the sustainable development of rural areas, including the adoption of labour-intensive projects, training for non-farming jobs for youth and effective transport and communication systems. To create an enabling context for local development, including the provision of services, Governments should consider decentralising their administrative systems. This also involves giving responsibility for expenditure and the right to raise revenue to regional, district and local authorities. While vast improvements to the urban infrastructure and environmental strategies are essential in many developing countries to provide a healthy environment for urban residents, similar activities should also be pursued in rural areas.
- 9.5. To reduce urban bias and isolated rural development, Governments should examine the feasibility of providing incentives to encourage the redistribution and relocation of industries and businesses from urban to rural areas and to encourage the establishment of new businesses, industrial units and income-generating projects in rural areas.
- 9.6. Governments wishing to create alternatives to out-migration from rural areas should establish the preconditions for development in rural areas, actively support access to ownership or use of land and access to water resources, especially for family units, make and encourage investments to enhance rural productivity, improve rural infrastructure and social services and facilitate the establishment of credit, production and marketing cooperatives and other grass-roots organisations that give people greater control over resources and improve their livelihoods. Particular attention is needed to ensure that these opportunities are also made available to migrants' families remaining in the areas of origin.
- 9.7. Governments should pursue development strategies offering tangible benefits to investors in rural areas and to rural producers. Governments should also seek to reduce restrictions on international trade in agricultural products.
- 9.8. Governments should strengthen their capacities to respond to the pressures caused by rapid urbanisation by revising and reorienting the agencies and mechanisms for urban management as necessary and ensuring the wide participation of all population groups in planning and decision-making on local development. Particular attention should be paid to land management in order to ensure economical land use, protect fragile ecosystems and facilitate the access of the poor to land in both urban and rural areas.
- 9.9. Countries are urged to recognise that the lands of indigenous people and their communities should be protected from activities that are environmentally unsound or that the indigenous people concerned consider to be socially and culturally inappropriate. The term 'lands' is understood to include the environment of the areas which the people concerned traditionally occupy.
- 9.10. Countries should increase information and training on conservation practices and foster the creation of sustainable off-farm rural employment opportunities in order to limit the further expansion of human settlements to areas with fragile ecosystems.
- 9.11. Population distribution policies should be consistent with such international instruments, when applicable, as the Geneva Convention relative to the Protection of Civilian Persons in Time of War (1949), including article 49.

## **B. Population growth in large urban agglomerations**

### **Basis for action**

9.12. In many countries, the urban system is characterised by the overwhelming preponderance of a single major city or agglomeration. The tendency towards population concentration, fostered by the concentration of public and private resources in some cities, has also contributed to the rising number and size of mega-cities. In 1992, there were 13 cities with at least 10 million inhabitants and their number is expected to double by 2010, when most mega-cities will be located in the developing countries. The continued concentration of population in primate cities, and in mega-cities in particular, poses specific economic, social and environmental challenges for Governments. Yet large agglomerations also represent the most dynamic centres of economic and cultural activity in many countries. It is therefore essential that the specific problems of large cities be analysed and addressed, in full awareness of the positive contribution that large cities make to national economic and social development. The challenges faced by cities are often exacerbated by weak management capacities at the local level to address the consequences of population concentration, socio-economic development, environmental impacts and their interrelations.

### **Objective**

9.13. The objective is to enhance the management of urban agglomerations through more participatory and resource-conscious planning and management, review and revise the policies and mechanisms that contribute to the excessive concentration of population in large cities, and improve the security and quality of life of both rural and urban low-income residents.

### **Actions**

9.14. Governments should increase the capacity and competence of city and municipal authorities to manage urban development, to safeguard the environment, to respond to the need of all citizens, including urban squatters, for personal safety, basic infrastructure and services, to eliminate health and social problems, including problems of drugs and criminality, and problems resulting from overcrowding and disasters, and to provide people with alternatives to living in areas prone to natural and man-made disasters.

9.15. In order to improve the plight of the urban poor, many of whom work in the informal sector of the economy, Governments are urged to promote the integration of migrants from rural areas into urban areas and to develop and improve their income-earning capability by facilitating their access to employment, credit, production, marketing opportunities, basic education, health services, vocational training and transportation, with special attention to the situation of women workers and women heads of households. Child-care centres and special protection and rehabilitation programmes for street children should be established.

9.16. To finance the needed infrastructure and services in a balanced manner, taking into account the interests of the poor segments of society, local and national government agencies should consider introducing equitable cost-recovery schemes and increasing revenues by appropriate measures.

9.17. Governments should strengthen the capacity for land management, including urban planning, at all levels in order to take into account demographic trends and encourage the search for innovative approaches to address the challenges facing cities, with special attention to the pressures and needs resulting from the growth of their populations.

9.18. Governments should promote the development and implementation of effective environmental management strategies for urban agglomerations, giving special attention to water, waste and air management, as well as to environmentally sound energy and transport systems.



## C. Internally displaced persons

### Basis for action

9.19. During the past decade, awareness of the situation of persons who are forced to leave their places of usual residence for a variety of reasons has been rising. Because there is no single definition of internally displaced persons, estimates of their number vary, as do the causes of their migration. However, it is generally accepted that these causes range from environmental degradation to natural disasters and internal conflicts that destroy human settlements and force people to flee from one area of the country to another. Indigenous people, in particular, are in many cases subject to displacement. Given the forced nature of their movement, internally displaced persons often find themselves in particularly vulnerable situations, especially women, who may be subjected to rape and sexual assault in situations of armed conflict. Internal displacement is often a precursor of outflows of refugees and externally displaced persons. Returning refugees may also be internally displaced.

### Objectives

9.20. The objectives are:

- (a) To offer adequate protection and assistance to persons displaced within their country, particularly women, children and the elderly, who are the most vulnerable, and to find solutions to the root causes of their displacement in view of preventing it and, when appropriate, to facilitate return or resettlement;
- (b) To put an end to all forms of forced migration, including 'ethnic cleansing'.

### Actions

- 9.21. Countries should address the causes of internal displacement, including environmental degradation, natural disasters, armed conflict and forced resettlement, and establish the necessary mechanisms to protect and assist displaced persons, including, where possible, compensation for damages, especially those who are not able to return to their normal place of residence in the short term. Adequate capacities for disaster preparedness should be developed. The United Nations, through dialogue with Governments and all intergovernmental and non-governmental organisations, is encouraged to continue to review the need for protection and assistance to internally displaced persons, the root causes of internal displacement, prevention and long-term solutions, taking into account specific situations.
- 9.22. Measures should be taken to ensure that internally displaced persons receive basic education, employment opportunities, vocational training and basic health-care services, including reproductive health services and family planning.
- 9.23. In order to reverse declining environmental quality and minimise conflict over access to grazing land, the modernisation of the pastoralist economic system should be pursued, with assistance provided as necessary through bilateral and multilateral arrangements.
- 9.24. Governments, international organisations and non-governmental organisations are encouraged to strengthen development assistance for internally displaced persons so that they can return to their places of origin.
- 9.25. Measures should be taken, at the national level with international cooperation, as appropriate, in accordance with the Charter of the United Nations, to find lasting solutions to questions related to internally displaced persons, including their right to voluntary and safe return to their home of origin.

## Chapter X

### INTERNATIONAL MIGRATION

#### A. International migration and development

##### **Basis for action**

10.1. International economic, political and cultural interrelations play an important role in the flow of people between countries, whether they are developing, developed or with economies in transition. In its diverse types, international migration is linked to such interrelations and both affects and is affected by the development process. International economic imbalances, poverty and environmental degradation, combined with the absence of peace and security, human rights violations and the varying degrees of development of judicial and democratic institutions are all factors affecting international migration. Although most international migration flows occur between neighbouring countries, interregional migration, particularly that directed to developed countries, has been growing. It is estimated that the number of international migrants in the world, including refugees, is in excess of 125 million, about half of them in the developing countries. In recent years, the main receiving countries in the developed world registered a net migration intake of approximately 1.4 million persons annually, about two thirds of whom originated in developing countries. Orderly international migration can have positive impacts on both the communities of origin and the communities of destination, providing the former with remittances and the latter with needed human resources. International migration also has the potential of facilitating the transfer of skills and contributing to cultural enrichment. However, international migration entails the loss of human resources for many countries of origin and may give rise to political, economic or social tensions in countries of destination. To be effective, international migration policies need to take into account the economic constraints of the receiving country, the impact of migration on the host society and its effects on countries of origin. The long-term manageability of international migration hinges on making the option to remain in one's country a viable one for all people. Sustainable economic growth with equity and development strategies consistent with this aim are a necessary means to that end. In addition, more effective use can be made of the potential contribution that expatriate nationals can make to the economic development of their countries of origin.

##### **Objectives**

10.2. The objectives are:

- (a) To address the root causes of migration, especially those related to poverty;
- (b) To encourage more cooperation and dialogue between countries of origin and countries of destination in order to maximise the benefits of migration to those concerned and increase the likelihood that migration has positive consequences for the development of both sending and receiving countries;
- (c) To facilitate the reintegration process of returning migrants.

##### **Actions**

10.3. Governments of countries of origin and of countries of destination should seek to make the option of remaining in one's country viable for all people. To that end, efforts to achieve sustainable economic and social development, ensuring a better economic balance between developed and developing countries and countries with economies in transition, should be strengthened. It is also necessary to increase efforts to defuse international and internal conflicts before they escalate; to ensure that the rights of persons belonging to ethnic, religious or linguistic minorities, and indigenous people are respected; and to respect the rule of law, promote good governance, strengthen democracy and promote human rights. Furthermore, greater support should be provided for the attainment of national and household food security, for education, nutrition, health and population-related programmes and to ensure effective environmental protection. Such efforts may require national and international financial assistance,

reassessment of commercial and tariff relations, increased access to world markets and stepped-up efforts on the part of developing countries and countries with economies in transition to create a domestic framework for sustainable economic growth with an emphasis on job creation. The economic situation in those countries is likely to improve only gradually and, therefore, migration flows from those countries are likely to decline only in the long term; in the interim, the acute problems currently observed will cause migration flows to continue for the short-to-medium term, and Governments are accordingly urged to adopt transparent international migration policies and programmes to manage those flows.

- 10.4. Governments of countries of origin wishing to foster the inflow of remittances and their productive use for development should adopt sound exchange rate, monetary and economic policies, facilitate the provision of banking facilities that enable the safe and timely transfer of migrants' funds, and promote the conditions necessary to increase domestic savings and channel them into productive investment.
- 10.5. Governments of countries of destination are invited to consider the use of certain forms of temporary migration, such as short-term and project-related migration, as a means of improving the skills of nationals of countries of origin, especially developing countries and countries with economies in transition. To that end, they should consider, as appropriate, entering into bilateral or multilateral agreements. Appropriate steps should be taken to safeguard the wages and working conditions of both migrant and native workers in the affected sectors. Governments of countries of origin are urged to facilitate the return of migrants and their reintegration into their home communities, and to devise ways of using their skills. Governments of countries of origin should consider collaborating with countries of destination and engaging the support of appropriate international organisations in promoting the return on a voluntary basis of qualified migrants who can play a crucial role in the transfer of knowledge, skills and technology. Countries of destination are encouraged to facilitate return migration by adopting flexible policies, such as the transferability of pensions and other work benefits.
- 10.6. Governments of countries affected by international migration are invited to cooperate, with a view to integrating the issue into their political and economic agendas and engaging in technical cooperation to aid developing countries and countries with economies in transition in addressing the impact of international migration. Governments are urged to exchange information regarding their international migration policies and the regulations governing the admission and stay of migrants in their territories. States that have not already done so are invited to consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
- 10.7. Governments are encouraged to consider requests for migration from countries whose existence, according to available scientific evidence, is imminently threatened by global warming and climate change.
- 10.8. In cooperation with international and non-governmental organisations and research institutions, Governments should support the gathering of data on flows and stocks of international migrants and on factors causing migration, as well as the monitoring of international migration. The identification of strategies to ensure that migration contributes to development and international relations should also be supported. The role of international organisations with mandates in the area of migration should be strengthened so that they can deliver adequate technical support to developing countries, advise in the management of international migration flows and promote intergovernmental cooperation through, inter alia, bilateral and multilateral negotiations, as appropriate.

## **B. Documented migrants**

### **Basis for action**

- 10.9. Documented migrants are those who satisfy all the legal requirements to enter, stay and, if applicable, hold employment in the country of destination. In some countries, many documented migrants have, over time, acquired the right to long-term residence. In such cases, the integration of documented migrants into the host society is generally desirable, and for that purpose it is important to extend to them the same social, economic and legal rights as those enjoyed by citizens, in accordance with national legislation.

The family reunification of documented migrants is an important factor in international migration. It is also important to protect documented migrants and their families from racism, ethnocentrism and xenophobia, and to respect their physical integrity, dignity, religious beliefs and cultural values. Documented migration is generally beneficial to the host country, since migrants are in general concentrated in the most productive ages and have skills needed by the receiving country, and their admission is congruent with the policies of the Government. The remittances of documented migrants to their countries of origin often constitute a very important source of foreign exchange and are instrumental in improving the well-being of relatives left behind.

### **Objectives**

10.10. The objectives are:

- (a) To ensure the social and economic integration of documented migrants, especially of those who have acquired the right to long-term residence in the country of destination, and their equal treatment before the law;
- (b) To eliminate discriminatory practices against documented migrants, especially women, children and the elderly;
- (c) To ensure protection against racism, ethnocentrism and xenophobia;
- (d) To promote the welfare of documented migrants and members of their families;
- (e) To ensure the respect of the cultural and religious values, beliefs and practices of documented migrants, in so far as they accord with national legislation and universally recognised human rights;
- (f) To take into account the special needs and circumstances of temporary migrants.

### **Actions**

10.11. Governments of receiving countries are urged to consider extending to documented migrants who meet appropriate length-of-stay requirements, and to members of their families whose stay in the receiving country is regular, treatment equal to that accorded their own nationals with regard to the enjoyment of basic human rights, including equality of opportunity and treatment in respect of religious practices, working conditions, social security, participation in trade unions, access to health, education, cultural and other social services, as well as equal access to the judicial system and equal treatment before the law. Governments of receiving countries are further urged to take appropriate steps to avoid all forms of discrimination against migrants, including eliminating discriminatory practices concerning their nationality and the nationality of their children, and to protect their rights and safety. Women and children who migrate as family members should be protected from abuse or denial of their human rights by their sponsors, and Governments are asked to consider extending their stay should the family relationship dissolve, within the limits of national legislation.

10.12. In order to promote the integration of documented migrants having the right to long-term residence, Governments of receiving countries are urged to consider giving them civil and political rights and responsibilities, as appropriate, and facilitating their naturalisation. Special efforts should be made to enhance the integration of the children of long-term migrants by providing them with educational and training opportunities equal to those of nationals, allowing them to exercise an economic activity, and facilitating the naturalisation of those who have been raised in the receiving country. Consistent with article 10 of the Convention on the Rights of the Child and all other relevant universally recognised human rights instruments, all Governments, particularly those of receiving countries, must recognise the vital importance of family reunification and promote its integration into their national legislation in order to ensure the protection of the unity of the families of documented migrants. Governments of receiving countries must ensure the protection of migrants and their families, giving priority to programmes and strategies that combat religious intolerance, racism, ethnocentrism, xenophobia and gender discrimination and that generate the necessary public sensitivity in that regard.

- 10.13. Governments of countries of destination should respect the basic human rights of documented migrants as those Governments assert their right to regulate access to their territory and adopt policies that respond to and shape immigration flows. With regard to the admission of migrants, Governments should avoid discriminating on the basis of race, religion, sex and disability, while taking into account health and other considerations relevant under national immigration regulations, particularly considering the special needs of the elderly and children. Governments are urged to promote, through family reunion, the normalisation of the family life of legal migrants who have the right to long-term residence.
- 10.14. Governments should consider providing assistance and cooperation for programmes that would address the adverse social and economic consequences of forced migration.

### C. Undocumented migrants

#### Basis for action

- 10.15. It is the right of every nation State to decide who can enter and stay in its territory and under what conditions. Such right, however, should be exercised taking care to avoid racist or xenophobic actions and policies. Undocumented or irregular migrants are persons who do not fulfil the requirements established by the country of destination to enter, stay or exercise an economic activity. Given that the pressures for migration are growing in a number of developing countries, especially since their labour force continues to increase, undocumented or irregular migration is expected to rise.

#### Objectives

- 10.16. The objectives are:

- (a) To address the root causes of undocumented migration;
- (b) To reduce substantially the number of undocumented migrants, while ensuring that those in need of international protection receive it; to prevent the exploitation of undocumented migrants and to ensure that their basic human rights are protected;
- (c) To prevent all international trafficking in migrants, especially for the purposes of prostitution;
- (d) To ensure protection against racism, ethnocentrism and xenophobia.

#### Actions

- 10.17. Governments of countries of origin and countries of destination are urged to cooperate in reducing the causes of undocumented migration, safeguarding the basic human rights of undocumented migrants including the right to seek and to enjoy in other countries asylum from persecution, and preventing their exploitation. Governments should identify the causes of undocumented migration and its economic, social and demographic impact as well as its implications for the formulation of social, economic and international migration policies.
- 10.18. Governments of both receiving countries and countries of origin should adopt effective sanctions against those who organise undocumented migration, exploit undocumented migrants or engage in trafficking in undocumented migrants, especially those who engage in any form of international traffic in women, youth and children. Governments of countries of origin, where the activities of agents or other intermediaries in the migration process are legal, should regulate such activities in order to prevent abuses, especially exploitation, prostitution and coercive adoption.
- 10.19. Governments, with the assistance of appropriate international organisations, should deter undocumented migration by making potential migrants aware of the legal conditions for entry, stay and employment in host countries through information activities in the countries of origin.
- 10.20. Governments of countries of origin of undocumented migrants and persons whose asylum claims have been rejected have the responsibility to accept the return and reintegration of those persons, and should

not penalise such persons on their return. In addition, Governments of countries of origin and countries of destination should try to find satisfactory solutions to the problems caused by undocumented migration through bilateral or multilateral negotiations on, inter alia, readmission agreements that protect the basic human rights of the persons involved in accordance with relevant international instruments.

#### **D. Refugees, asylum-seekers and displaced persons**

##### **Basis for action**

10.21. In less than 10 years, from 1985 to 1993, the number of refugees has more than doubled, from 8.5 million to 19 million. This has been caused by multiple and complex factors, including massive violations of human rights. Most of those refugees find asylum in developing countries, often imposing great burdens on those States. The institution of asylum is under severe strain in industrialised countries for a variety of reasons, including the growing numbers of refugees and asylum-seekers and the misuse of asylum procedures by migrants attempting to circumvent immigration restrictions. While two thirds of all countries in the world have ratified the 1951 Convention relating to the Status of Refugees or the 1967 Protocol, which establish standards for the protection of refugees, there is a need to strengthen the support for international protection of and assistance to refugees, especially refugee women and refugee children, who are particularly vulnerable. Displaced persons, who do not qualify for refugee status and are in some cases outside their country, are also vulnerable and need international assistance. Regional agreements to provide protection to persons fleeing war should be considered.

##### **Objectives**

10.22. The objectives are:

- (a) To reduce pressures leading to refugee movements and displacement by combating their root causes at all levels and undertaking related preventive action;
- (b) To find and implement durable solutions to the plight of refugees and displaced persons;
- (c) To ensure effective protection of and assistance to refugee populations, with particular attention to the needs and physical security of refugee women and refugee children;
- (d) To prevent the erosion of the institution of asylum;
- (e) To provide adequate health, education and social services for refugees and displaced persons;
- (f) To integrate refugee and returnee assistance and rehabilitation programmes into development planning, with due attention to gender equity.

##### **Actions**

10.23. Governments are urged to address the root causes of movements of refugees and displaced persons by taking appropriate measures, particularly with respect to conflict resolution; the promotion of peace and reconciliation; respect for human rights, including those of persons belonging to minorities; respect for independence, territorial integrity and sovereignty of States. Moreover, factors that contribute to forced displacements need to be addressed through initiatives related to the alleviation of poverty, democratisation, good governance and the prevention of environmental degradation. Governments and all other entities should respect and safeguard the right of people to remain in safety in their homes and should refrain from policies or practices that force people to flee.

10.24. Governments are urged to strengthen their support for international protection and assistance activities on behalf of refugees and, as appropriate, displaced persons and to promote the search for durable solutions to their plight. In doing so, Governments are encouraged to enhance regional and international mechanisms that promote appropriate shared responsibility for the protection and assistance needs of refugees. All necessary measures should be taken to ensure the physical protection of refugees - in particular, that of refugee women and refugee children - especially against exploitation, abuse and all forms of violence.



- 10.25. Adequate international support should be extended to countries of asylum to meet the basic needs of refugees and to assist in the search for durable solutions. Refugee populations should be assisted in achieving self-sufficiency. Refugees, particularly refugee women, should be involved in the planning of refugee assistance activities and in their implementation. In planning and implementing refugee assistance activities, special attention should be given to the specific needs of refugee women and refugee children. Refugees should be provided with access to adequate accommodation, education, health services, including family planning, and other necessary social services. Refugees are invited to respect the laws and regulations of their countries of asylum.
- 10.26. Governments should create conditions that would allow for the voluntary repatriation of refugees in safety and dignity. Rehabilitation assistance to repatriating refugees should, where possible, be linked to long-term reconstruction and development plans. The international community should provide assistance for refugee repatriation and rehabilitation programmes and for the removal of land mines and other unexploded devices that constitute a serious threat to the safety of returnees and the local population.
- 10.27. Governments are urged to abide by international law concerning refugees. States that have not already done so are invited to consider acceding to the international instruments concerning refugees - in particular, the 1951 Convention and the 1967 Protocol relating to the Status of Refugees. Governments are furthermore urged to respect the principle of non-refoulement (i.e., the principle of no forcible return of persons to places where their lives or freedom would be threatened because of race, religion, nationality, membership in a particular social group, or political opinion). Governments should ensure that asylum-seekers in the Government's territory have access to a fair hearing and should facilitate the expeditious processing of asylum requests, ensuring that guidelines and procedures for the determination of refugee status are sensitive to the particular situation of women.
- 10.28. In cases of sudden and massive arrivals of refugees and displaced persons in need of international protection, Governments of receiving countries should consider according to them at least temporary protection and treatment in accordance with internationally recognised standards and with national law, practices and regulations, until a solution to their plight can be found. Persons in need of protection should be encouraged to stay in safe areas and, to the extent possible and as appropriate, near their countries of origin. Governments should strengthen protection mechanisms and provide aid to assist the population in such areas. The principles of collective cooperation and international solidarity should be followed in assisting host countries, upon their request.
- 10.29. The problems of refugees and displaced persons arising from forced migration, including their right to repatriation, should be settled in accordance with the relevant principles of the Charter of the United Nations, the Universal Declaration of Human Rights, other international instruments and relevant United Nations resolutions.

## Chapter XI

### POPULATION, DEVELOPMENT AND EDUCATION

#### A. Education, population and sustainable development

##### Basis for action

- 11.1. In the past 20 years, the world has experienced a rise in educational levels. Although the differences in educational attainment between males and females have shrunk, 75 per cent of illiterate persons in the world are women. Lack of basic education and low levels of literacy of adults continue to inhibit the development process in every area. The world community has a special responsibility to ensure that all children receive an education of improved quality and that they complete primary school. Education is an indispensable tool for the improvement of the quality of life. However, it is more difficult to meet educational needs when there is rapid population growth.
- 11.2. Education is a key factor in sustainable development: it is at the same time a component of well-being and a factor in the development of well-being through its links with demographic as well as economic



and social factors. Education is also a means to enable the individual to gain access to knowledge, which is a precondition for coping, by anyone wishing to do so, with today's complex world. The reduction of fertility, morbidity and mortality rates, the empowerment of women, the improvement in the quality of the working population and the promotion of genuine democracy are largely assisted by progress in education. The integration of migrants is also facilitated by universal access to education, which respects the religious and cultural backgrounds of migrants.

- 11.3. The relationship between education and demographic and social changes is one of interdependence. There is a close and complex relationship among education, marriage age, fertility, mortality, mobility and activity. The increase in the education of women and girls contributes to greater empowerment of women, to a postponement of the age of marriage and to a reduction in the size of families. When mothers are better educated, their children's survival rate tends to increase. Broader access to education is also a factor in internal migration and the composition of the working population.
- 11.4. The education and training of young people should prepare them for career development and professional life in order to cope with today's complex world. It is on the content of the educational curricula and the nature of the training received that the prospects of gainful employment opportunities depend. Inadequacies in and discrepancies between the educational system and the production system can lead to unemployment and underemployment, a devaluing of qualifications and, in some cases, the exodus of qualified people from rural to urban areas and to 'brain drain'. It is therefore essential to promote harmonious development of educational systems and economic and social systems conducive to sustainable development.

### **Objectives**

- 11.5. The objectives are:
  - (a) To achieve universal access to quality education, with particular priority being given to primary and technical education and job training, to combat illiteracy and to eliminate gender disparities in access to, retention in, and support for, education;
  - (b) To promote non-formal education for young people, guaranteeing equal access for women and men to literacy centres;
  - (c) To introduce and improve the content of the curriculum so as to promote greater responsibility and awareness on the interrelationships between population and sustainable development; health issues, including reproductive health; and gender equity.

### **Actions**

- 11.6. The eradication of illiteracy is one of the prerequisites for human development. All countries should consolidate the progress made in the 1990s towards providing universal access to primary education, as agreed upon at the World Conference on Education for All, held at Jomtien, Thailand, in 1990. All countries should further strive to ensure the complete access to primary school or an equivalent level of education by both girls and boys as quickly as possible, and in any case before the year 2015. Attention should also be given to the quality and type of education, including recognition of traditional values. Countries that have achieved the goal of universal primary education are urged to extend education and training to, and facilitate access to and completion of education at secondary school and higher levels.
- 11.7. Investments in education and job training should be given high priority in development budgets at all levels, and should take into account the range and level of future workforce skill requirements.
- 11.8. Countries should take affirmative steps to keep girls and adolescents in school by building more community schools, by training teachers to be more gender sensitive, by providing scholarships and other appropriate incentives and by sensitising parents to the value of educating girls, with a view to closing the gender gap in primary and secondary school education by the year 2005. Countries should also supplement those efforts by making full use of non-formal education opportunities. Pregnant adolescents should be enabled to continue their schooling.

- 11.9. To be most effective, education about population issues must begin in primary school and continue through all levels of formal and non-formal education, taking into account the rights and responsibilities of parents and the needs of children and adolescents. Where such programmes already exist, curricula should be reviewed, updated and broadened with a view to ensuring adequate coverage of such important concerns as gender sensitivity, reproductive choices and responsibilities, and sexually transmitted diseases, including HIV/AIDS. To ensure acceptance of population education programmes by the community, population education projects should emphasise consultation with parents and community leaders.
- 11.10. Efforts in the training of population specialists at the university level should be strengthened and the incorporation of content relating to demographic variables and their interrelationships with development planning in the social and economic disciplines, as well as to health and the environment, should be encouraged.

## **B. Population information, education and communication**

### **Basis for action**

- 11.11. Greater public knowledge, understanding and commitment at all levels, from the individual to the international, are vital to the achievement of the goals and objectives of the present Programme of Action. In all countries and among all groups, therefore, information, education and communication activities concerning population and sustainable development issues must be strengthened. This includes the establishment of gender- and culturally sensitive information, education and communication plans and strategies related to population and development. At the national level, more adequate and appropriate information enables planners and policy makers to make more appropriate plans and decisions in relation to population and sustainable development. At the most basic level, more adequate and appropriate information is conducive to informed, responsible decision-making concerning health, sexual and reproductive behaviour, family life, and patterns of production and consumption. In addition, more and better information about the causes and benefits of migration can create a more positive environment for societies to address and respond to migration challenges.
- 11.12. Effective information, education and communication are prerequisites for sustainable human development and pave the way for attitudinal and behavioural change. Indeed, this begins with the recognition that decisions must be made freely, responsibly and in an informed manner, on the number and spacing of children and in all other aspects of daily life, including sexual and reproductive behaviour. Greater public knowledge and commitment in a democratic setting create a climate conducive to responsible and informed decisions and behaviour. Most important, they also pave the way for democratic public discussion and thereby make possible strong political commitment and popular support for needed action at the local, national and international levels.
- 11.13. Effective information, education and communication activities include a range of communication channels, from the most intimate levels of interpersonal communication to formal school curricula, from traditional folk arts to modern mass entertainment, and from seminars for local community leaders to coverage of global issues by the national and international news media. Multi-channel approaches are usually more effective than any single communication channel. All these channels of communication have an important role to play in promoting an understanding of the interrelationships between population and sustainable development. Schools and religious institutions, taking into account their values and teachings, may be important vehicles in all countries for instilling gender and racial sensitivity, respect, tolerance and equity, family responsibility and other important attitudes at all ages. Effective networks also exist in many countries for non-formal education on population and sustainable development issues through the workplace, health facilities, trade unions, community centres, youth groups, religious institutions, women's organisations and other non-governmental organisations. Such issues may also be included in more structured adult education, vocational training and literacy programmes, particularly for women. These networks are critical to reaching the entire population, especially men, adolescents and young couples. Parliamentarians, teachers, religious and other community leaders,

traditional healers, health professionals, parents and older relatives are influential in forming public opinion and should be consulted during the preparation of information, education and communication activities. The media also offer many potentially powerful role models.

11.14. Current information, education and communication technologies, such as global interlinked telephone, television and data transmission networks, compact discs and new multimedia technologies, can help bridge the geographical, social and economic gaps that currently exist in access to information around the world. They can help ensure that the vast majority of the world's people are involved in debates at the local, national and global levels about demographic changes and sustainable human development, economic and social inequities, the importance of empowering women, reproductive health and family planning, health promotion, ageing populations, rapid urbanisation and migration. Greater public involvement of national authorities and the community ensure the widespread diffusion of such technologies and the freer flow of information within and between countries. It is essential that parliaments have full access to the information necessary for decision-making.

### **Objectives**

11.15. The objectives are:

- (a) To increase awareness, knowledge, understanding and commitment at all levels of society so that families, couples, individuals, opinion and community leaders, non-governmental organisations, policy makers, Governments and the international community appreciate the significance and relevance of population-related issues, and take the responsible actions necessary to address such issues within sustained economic growth in the context of sustainable development;
- (b) To encourage attitudes in favour of responsible behaviour in population and development, especially in such areas such environment, family, sexuality, reproduction, gender and racial sensitivity;
- (c) To ensure political commitment to population and development issues by national Governments in order to promote the participation of both public and private sectors at all levels in the design, implementation and monitoring of population and development policies and programmes;
- (d) To enhance the ability of couples and individuals to exercise their basic right to decide freely and responsibly on the number and spacing of their children, and to have the information, education and means to do so.

### **Actions**

11.16. Information, education and communication efforts should raise awareness through public education campaigns on such priority issues as: safe motherhood, reproductive health and rights, maternal and child health and family planning, discrimination against and valorisation of the girl child and persons with disabilities; child abuse; violence against women; male responsibility; gender equality; sexually transmitted diseases, including HIV/AIDS; responsible sexual behaviour; teenage pregnancy; racism and xenophobia; ageing populations; and unsustainable consumption and production patterns. More education is needed in all societies on the implications of population-environment relationships, in order to influence behavioural change and consumer lifestyles and to promote sustainable management of natural resources. The media should be a major instrument for expanding knowledge and motivation.

11.17. Elected representatives at all levels, the scientific community, religious, political, traditional and community leaders, non-governmental organisations, parents' associations, social workers, women's groups, the private sector, qualified communication specialists and others in influential positions should have access to information on population and sustainable development and related issues. They should promote understanding of the issues addressed in the present Programme of Action and mobilise public opinion in support of the actions proposed.

- 11.18. Members of Parliament are invited to continue to promote wide awareness on issues related to population and sustainable development and to ensure the enactment of legislation necessary for effective implementation of the present Programme of Action.
- 11.19. A coordinated strategic approach to information, education and communication should be adopted in order to maximise the impact of various information, education and communication activities, both modern and traditional, which may be undertaken on several fronts by various actors and with diverse audiences. It is especially important that information, education and communication strategies be linked to, and complement, national population and development policies and strategies and a full range of services in reproductive health, including family planning and sexual health, in order to enhance the use of those services and improve the quality of counselling and care.
- 11.20. Information, education and communication activities should rely on up-to-date research findings to determine information needs and the most effective culturally acceptable ways of reaching intended audiences. To that end, professionals experienced in the traditional and non-traditional media should be enlisted. The participation of the intended audiences in the design, implementation and monitoring of information, education and communication activities should be ensured so as to enhance the relevance and impact of those activities.
- 11.21. The interpersonal communication skills - in particular, motivational and counselling skills - of public, private and non-governmental organisation service providers, community leaders, teachers, peer groups and others should be strengthened, whenever possible, to enhance interaction and quality assurance in the delivery of reproductive health, including family planning and sexual health services. Such communication should be free from coercion.
- 11.22. The tremendous potential of print, audiovisual and electronic media, including databases and networks such as the United Nations Population Information Network (POPIN), should be harnessed to disseminate technical information and to promote and strengthen understanding of the relationships between population, consumption, production and sustainable development.
- 11.23. Governments, non-governmental organisations and the private sector should make greater and more effective use of the entertainment media, including radio and television soap operas and drama, folk theatre and other traditional media to encourage public discussion of important but sometimes sensitive topics related to the implementation of the present Programme of Action. When the entertainment media - especially dramas - are used for advocacy purposes or to promote particular lifestyles, the public should be so informed, and in each case the identity of sponsors should be indicated in an appropriate manner.
- 11.24. Age-appropriate education, especially for adolescents, about the issues considered in the present Programme of Action should begin in the home and community and continue through all levels and channels of formal and non-formal education, taking into account the rights and responsibilities of parents and the needs of adolescents. Where such education already exists, curricula and educational materials should be reviewed, updated and broadened with a view to ensuring adequate coverage of important population-related issues and to counteract myths and misconceptions about them. Where no such education exists, appropriate curricula and materials should be developed. To ensure acceptance, effectiveness and usefulness by the community, education projects should be based on the findings of socio-cultural studies and should involve the active participation of parents and families, women, youth, the elderly and community leaders.
- 11.25. Governments should give priority to the training and retention of information, education and communication specialists, especially teachers, and of all others involved in the planning, implementation, monitoring and evaluation of information, education and communication programmes. It is necessary to train specialists who can contribute to the important conceptual and methodological development of education concerning population and related issues. Therefore, systems for professional training should be created and strengthened with specialisations that prepare them to work effectively with Governments and with non-governmental organisations active in this field. In addition, there should be greater collaboration between the academic community and other entities in order to strengthen conceptual and methodological work and research in this field.

11.26. To enhance solidarity and to sustain development assistance, all countries need to be continuously informed about population and development issues. Countries should establish information mechanisms, where appropriate, to facilitate the systematic collection, analysis, dissemination and utilisation of population-related information at the national and international levels, and networks should be established or strengthened at the national, subregional, regional and global levels to promote information and experience exchange.

## **Chapter XII**

### **TECHNOLOGY, RESEARCH AND DEVELOPMENT**

#### **A. Basic data collection, analysis and dissemination**

##### **Basis for action**

12.1. Valid, reliable, timely, culturally relevant and internationally comparable data form the basis for policy and programme development, implementation, monitoring and evaluation. While there have been marked improvements in the availability of population and related development data following important advances made during the past two decades in the methodologies and technology for data collection and analysis, many gaps remain with regard to the quality and coverage of baseline information, including vital data on births and deaths, as well as the continuity of data sets over time. Gender and ethnicity-specific information, which is needed to enhance and monitor the sensitivity of development policies and programmes, is still insufficient in many areas. Measurement of migration, particularly at the regional and international levels, is also among the areas least valid and least adequately covered. As a matter of principle, individuals, organisations and developing countries should have access, on a no-cost basis, to the data and findings based on research carried out in their own countries, including those maintained by other countries and international agencies.

##### **Objectives**

12.2. The objectives are:

- (a) To establish a factual basis for understanding and anticipating the interrelationships of population and socio-economic - including environmental - variables and for improving programme development, implementation, monitoring and evaluation;
- (b) To strengthen national capacity to seek new information and meet the need for basic data collection, analysis and dissemination, giving particular attention to information classified by age, sex, ethnicity and different geographical units, in order to use the findings in the formulation, implementation, monitoring and evaluation of overall sustainable development strategies and foster international cooperation, including such cooperation at the regional and subregional levels;
- (c) To ensure political commitment to, and understanding of, the need for data collection on a regular basis and the analysis, dissemination and full utilisation of data.

##### **Actions**

12.3. Governments of all countries, particularly developing countries, assisted as appropriate through bilateral cooperation and international organisations and, where necessary, through interregional, regional and subregional cooperation, should strengthen their national capacity to carry out sustained and comprehensive programmes on collection, analysis, dissemination and utilisation of population and development data. Particular attention should be given to the monitoring of population trends and the preparation of demographic projections and to the monitoring of progress towards the attainment of the health, education, gender, ethnic and social-equity goals, and of service accessibility and quality of care, as stated in the present Programme of Action.

- 12.4. Programmes for the collection, processing, analysis and timely dissemination and utilisation of population and related development data should include disaggregation, including gender disaggregation, and coverage and presentation compatible with the needs of effective programme implementation on population and development. Interaction between the community of data users and data providers should be promoted in order to enable data providers to respond better to user needs. Research should be designed to take into account legal and ethical standards and should be carried out in consultation and partnership with, and with the active participation of, local communities and institutions, and the findings thereof should be made accessible and available to policy makers, decision makers, planners and managers of programmes for their timely use. Comparability should be ensured in all research and data collection programmes.
- 12.5. Comprehensive and reliable qualitative as well as quantitative databases, allowing linkages between population, education, health, poverty, family well-being, environment and development issues and providing information disaggregated at appropriate and desired levels, should be established and maintained by all countries to meet the needs of research as well as those of policy and programme development, implementation, monitoring and evaluation. Special attention should be given to assessing and measuring the quality and accessibility of care through the development of suitable indicators.
- 12.6. Demographic, socio-economic and other relevant information networks should be created or strengthened, where appropriate, at the national, regional and global levels to facilitate monitoring the implementation of programmes of action and activities on population, environment and development at the national, regional and global levels.
- 12.7. All data collection and analysis activities should give due consideration to gender-disaggregation, enhancing knowledge on the position and role of gender in social and demographic processes. In particular, in order to provide a more accurate picture of women's current and potential contribution to economic development, data collection should delineate more precisely the nature of women's social and labour force status and make that a basis for policy and programme decisions on improving women's income. Such data should address, inter alia, women's unpaid economic activities in the family and in the informal sector.
- 12.8. Training programmes in statistics, demography, and population and development studies should be designed and implemented at the national and regional levels, particularly in developing countries, with enhanced technical and financial support, through international cooperation and greater national resources.
- 12.9. All countries, with the support of appropriate organisations, should strengthen the collection and analysis of demographic data, including international migration data, in order to achieve a better understanding of that phenomenon and thus support the formulation of national and international policies on international migration.

## **B. Reproductive health research**

### **Basis for action**

- 12.10. Research, in particular biomedical research, has been instrumental in giving more and more people access to a greater range of safe and effective modern methods for regulation of fertility. However, not all persons can find a family-planning method that suits them and the range of choices available to men is more limited than that available to women. The growing incidence of sexually transmitted diseases, including HIV/AIDS, demands substantially higher investments in new methods of prevention, diagnosis and treatment. In spite of greatly reduced funding for reproductive health research, prospects for developing and introducing new methods and products for contraception and regulation of fertility have been promising. Improved collaboration and coordination of activities internationally will increase cost-effectiveness, but a significant increase in support from Governments and industry is needed to bring a number of potential new, safe and affordable methods to fruition, especially barrier methods. This research needs to be guided at all stages by gender perspectives, particularly



women's, and the needs of users, and should be carried out in strict conformity with internationally accepted legal, ethical, medical and scientific standards for biomedical research.

## Objectives

12.11. The objectives are:

- (a) To contribute to the understanding of factors affecting universal reproductive health, including sexual health, and to expand reproductive choice;
- (b) To ensure the initial and continued safety, quality and health aspects of methods for regulation of fertility;
- (c) To ensure that all people have the opportunity to achieve and maintain sound reproductive and sexual health, the international community should mobilise the full spectrum of basic biomedical, social and behavioural and programme-related research on reproductive health and sexuality.

## Actions

12.12. Governments, assisted by the international community and donor agencies, the private sector, non-governmental organisations and the academic community, should increase support for basic and applied biomedical, technological, clinical, epidemiological and social science research to strengthen reproductive health services, including the improvement of existing and the development of new methods for regulation of fertility that meet users' needs and are acceptable, easy to use, safe, free of long- and short-term side-effects and second-generation effects, effective, affordable and suitable for different age and cultural groups and for different phases of the reproductive cycle. Testing and introduction of all new technologies should be continually monitored to avoid potential abuse. Specifically, areas that need increased attention should include barrier methods, both male and female, for fertility control and the prevention of sexually transmitted diseases, including HIV/AIDS, as well as microbicides and virucides, which may or may not prevent pregnancy.

12.13. Research on sexuality and gender roles and relationships in different cultural settings is urgently needed, with emphasis on such areas as abuse, discrimination and violence against women; genital mutilation, where practised; sexual behaviour and mores; male attitudes towards sexuality and procreation, fertility, family and gender roles; risk-taking behaviour regarding sexually transmitted diseases and unplanned pregnancies; women's and men's perceived needs for methods for regulation of fertility and sexual health services; and reasons for non-use or ineffective use of existing services and technologies.

12.14. High priority should also be given to the development of new methods for regulation of fertility for men. Special research should be undertaken on factors inhibiting male participation in order to enhance male involvement and responsibility in family planning. In conducting sexual and reproductive health research, special attention should be given to the needs of adolescents in order to develop suitable policies and programmes and appropriate technologies to meet their health needs. Special priority should be given to research on sexually transmitted diseases, including HIV/AIDS, and research on infertility.

12.15. To expedite the availability of improved and new methods for regulation of fertility, efforts must be made to increase the involvement of industry, including industry in developing countries and countries with economies in transition. A new type of partnership between the public and private sectors, including women and consumer groups, is needed to mobilise the experience and resources of industry while protecting the public interest. National drug and device regulatory agencies should be actively involved in all stages of the development process to ensure that all legal and ethical standards are met. Developed countries should assist research programmes in developing countries and countries with economies in transition with their knowledge, experience and technical expertise and promote the transfer of appropriate technologies to them. The international community should facilitate the establishment of



manufacturing capacities for contraceptive commodities in developing countries, particularly the least developed among them, and countries with economies in transition.

- 12.16. All research on products for regulation of fertility and sexual and reproductive health must be carried out in adherence to internationally accepted ethical and technical standards and cultural conditions for biomedical research. Special attention needs to be given to the continuous surveillance of contraceptive safety and side-effects. Users', in particular women's, perspectives and women's organisations should be incorporated into all stages of the research and development process.
- 12.17. Since unsafe abortion(20) is a major threat to the health and lives of women, research to understand and better address the determinants and consequences of induced abortion, including its effects on subsequent fertility, reproductive and mental health and contraceptive practice, should be promoted, as well as research on treatment of complications of abortions and post-abortion care.
- 12.18. There should be enhanced research on natural methods for regulation of fertility, looking for more effective procedures to detect the moment of ovulation during the menstrual cycle and after childbirth.

### C. Social and economic research

#### Basis for action

- 12.19. During the past several decades, the formulation, implementation, monitoring and evaluation of population policies, programmes and activities have benefited from the findings of social and economic research highlighting how population change results from and impacts on complex interactions of social, economic and environmental factors. Nevertheless, some aspects of those interactions are still poorly understood and knowledge is lacking, especially with regard to developing countries, in areas relevant to a range of population and development policies, particularly concerning indigenous practices. Social and economic research is clearly needed to enable programmes to take into account the views of their intended beneficiaries, especially women, the young and other less empowered groups, and to respond to the specific needs of those groups and of communities. Research regarding the interrelations between global or regional economic factors and national demographic processes is required. Improved quality of services can be achieved only where quality has been defined by both users and providers of services and where women are actively involved in decision-making and service delivery.

#### Objectives

12.20. The objectives are:

- (a) To promote socio-cultural and economic research that assists in the design of programmes, activities and services to improve the quality of life and meet the needs of individuals, families and communities, in particular all underserved groups;(22)
- (b) To promote the use of research findings to improve the formulation of policies and the implementation, monitoring and evaluation of programmes and projects that improve the welfare of individuals and families and the needy to enhance their quality, efficiency and client-sensitivity, and to increase the national and international capacity for such research;
- (c) To understand that sexual and reproductive behaviour occurs in varying socio-cultural contexts, and to understand the importance of that context for the design and implementation of service programmes.

#### Actions

- 12.21. Governments, funding agencies and research organisations should encourage and promote socio-cultural and economic research on relevant population and development policies and programmes, including indigenous practices, especially with regard to inter-linkages between population, poverty alleviation, environment, sustained economic growth and sustainable development.

- 12.22. Socio-cultural and economic research should be built into population and development programmes and strategies in order to provide guidance for programme managers on ways and means of reaching underserved clients and responding to their needs. To this end, programmes should provide for operations research, evaluation research and other applied social science research. This research should be participatory in character. Mechanisms should be established with a view to ensuring that research findings are incorporated into the decision-making process.
- 12.23. Policy-oriented research, at the national and international levels, should be undertaken on areas beset by population pressures, poverty, over-consumption patterns, destruction of ecosystems and degradation of resources, giving particular attention to the interactions between those factors. Research should also be done on the development and improvement of methods with regard to sustainable food production and crop and livestock systems in both developed and developing countries.
- 12.24. Governments, intergovernmental organisations, non-governmental organisations concerned, funding agencies and research organisations are urged to give priority to research on the linkages between women's roles and status and demographic and development processes. Among the vital areas for research are changing family structures; family well-being; the interactions between women's and men's diverse roles, including their use of time, access to power and decision-making and control over resources; associated norms, laws, values and beliefs; and the economic and demographic outcomes of gender inequality. Women should be involved at all stages of gender research planning, and efforts should be made to recruit and train more female researchers.
- 12.25. Given the changing nature and extent of the spatial mobility of population, research to improve the understanding of the causes and consequences of migration and mobility, whether internal or international, is urgently needed. To provide a sound foundation for such research, special efforts need to be made to improve the quality, timeliness and accessibility of data on internal and international migration levels, trends and policies.
- 12.26. In the light of the persistence of significant mortality and morbidity differentials between population subgroups within countries, it is urgent to step up efforts to investigate the factors underlying such differentials, in order to devise more effective policies and programmes for their reduction. Of special importance are the causes of differentials, including gender differentials, in mortality and morbidity, particularly at younger and older ages. Increased attention should also be paid to the relative importance of various socio-economic and environmental factors in determining mortality differentials by region or socio-economic and ethnic group. Causes and trends in maternal, perinatal and infant morbidity and mortality also need further investigation.

## **Chapter XIII**

### **NATIONAL ACTION**

#### **A. National policies and plans of action Basis for action**

- 13.1. During the past few decades, considerable experience has been gained around the world on how government policies and programmes can be designed and implemented to address population and development concerns, enhance the choices of people and contribute to broad social progress. As is the case with other social development programmes, experience has also shown, in instances where the leadership is strongly committed to economic growth, human resource development, gender equality and equity and meeting the health needs of the population, in particular the reproductive health needs, including family planning and sexual health, countries have been able to mobilise sustained commitment at all levels to make population and development programmes and projects successful.
- 13.2. While such success can be facilitated by developments in the overall social and economic context, and by success in other development efforts, population and development are intrinsically interrelated and progress in any component can catalyse improvement in others. The many facets of population relate to many facets of development. There is increased recognition of the need for countries to consider migra-

tion impacts, internal and international, in developing their relevant policies and programmes. There is also growing recognition that population-related policies, plans, programmes and projects, to be sustainable, need to engage their intended beneficiaries fully in their design and subsequent implementation.

- 13.3. The role of non-governmental organisations as partners in national policies and programmes is increasingly recognised, as is the important role of the private sector. Members of national legislatures can have a major role to play, especially in enacting appropriate domestic legislation for implementing the present Programme of Action, allocating appropriate financial resources, ensuring accountability of expenditure and raising public awareness of population issues.

## Objectives

- 13.4. The objectives are:

- (a) To incorporate population concerns in all relevant national development strategies, plans, policies and programmes;
- (b) To foster active involvement of elected representatives of people, particularly parliamentarians, concerned groups, especially at the grass-roots level, and individuals, in formulating, implementing, monitoring and evaluating strategies, policies, plans and programmes in the field of population and development.

## Actions

- 13.5. Governments, with the active involvement of parliamentarians, locally elected bodies, communities, the private sector, non-governmental organisations and women's groups, should work to increase awareness of population and development issues and formulate, implement and evaluate national strategies, policies, plans, programmes and projects that address population and development issues, including migration, as integral parts of their sectoral, intersectoral and overall development planning and implementation process. They should also promote and work to ensure adequate human resources and institutions to coordinate and carry out the planning, implementation, monitoring and evaluation of population and development activities.
- 13.6. Governments and parliamentarians, in collaboration with the international community and non-governmental organisations, should make the necessary plans in accordance with national concerns and priorities and take the actions required to measure, assess, monitor and evaluate progress towards meeting the goals of the present Programme of Action. In this connection, the active participation of the private sector and the research community is to be encouraged.

## B. Programme management and human resource development

### Basis for action

- 13.7. Building the capacity and self-reliance of countries to undertake concerted national action to promote sustained economic growth, to further sustainable national development and to improve the quality of life for the people is a fundamental goal. This requires the retention, motivation and participation of appropriately trained personnel working within effective institutional arrangements, as well as relevant involvement by the private sector and non-governmental organisations. The lack of adequate management skills, particularly in the least developed countries, critically reduces the ability for strategic planning, weakens programme execution, lessens the quality of services and thus diminishes the usefulness of programmes to their beneficiaries. The recent trend towards decentralisation of authority in national population and development programmes, particularly in government programmes, significantly increases the requirement for trained staff to meet new or expanded responsibilities at the lower administrative levels. It also modifies the 'skill mix' required in central institutions, with policy analysis, evaluation and strategic planning having higher priority than previously.

## Objectives

13.8. The objectives are:

- (a) To improve national capacities and the cost-effectiveness, quality and impact of national population and development strategies, plans, policies and programmes, while ensuring their accountability to all persons served, in particular the most vulnerable and disadvantaged groups in society, including the rural population and adolescents;
- (b) To facilitate and accelerate the collection, analysis and flow of data and information between actors in national population and development programmes in order to enhance the formulation of strategies, policies, plans and programmes and monitor and evaluate their implementation and impact;
- (c) To increase the skill level and accountability of managers and others involved in the implementation, monitoring and evaluation of national population and development strategies, policies, plans and programmes;
- (d) To incorporate user and gender perspectives in training programmes and ensure the availability, motivation and retention of appropriately trained personnel, including women, for the formulation, implementation, monitoring and evaluation of national population and development strategies, policies, plans and programmes.

## Actions

13.9. Countries should:

- (a) Formulate and implement human resource development programmes in a manner that explicitly addresses the needs of population and development strategies, policies, plans and programmes, giving special consideration to the basic education, training and employment of women at all levels, especially at decision-making and managerial levels, and to the incorporation of user and gender perspectives throughout the training programmes;
- (b) Ensure the nationwide and efficient placement of trained personnel managing population and development strategies, policies, plans and programmes;
- (c) Continuously upgrade the management skills of service delivery personnel to enhance the cost-effectiveness, efficiency and impact of the social services sector;
- (d) Rationalise remuneration and related matters, terms and conditions of service to ensure equal pay for equal work by women and men and the retention and advancement of managerial and technical personnel involved in population and development programmes, and thereby improve national execution of these programmes;
- (e) Establish innovative mechanisms to promote experience-sharing in population and development programme management within and among countries at sub-regional, regional, interregional and international levels in order to foster relevant national expertise;
- (f) Develop and maintain databases of national experts and institutions of excellence in order to foster the use of national competence, giving special consideration to the inclusion of women and youth;
- (g) Ensure effective communication with, and the involvement of, programme beneficiaries at all levels, in particular at rural levels, in order to ensure better overall programme management.

13.10. Governments should give special attention to the development and implementation of client-centred management information systems for population and development, and particularly for reproductive health, including family- planning and sexual health programmes, covering both governmental and non-governmental activities and containing regularly updated data on clientele, expenditures, infrastructure, service accessibility, output and quality of services.

## C. Resource mobilisation and allocation

### Basis for action

- 13.11. Allocation of resources for sustained human development at the national level generally falls into various sectoral categories. How countries can most beneficially allocate resources among various sectors depends largely on each country's social, economic, cultural and political realities as well as its policy and programme priorities. In general, the quality and success of programmes benefit from a balanced allocation of resources. In particular, population-related programmes play an important role in enabling, facilitating and accelerating progress in sustainable human development programmes, especially by contributing to the empowerment of women, improving the health of the people (particularly of women and children, and especially in the rural areas), slowing the growth rate of demand for social services, mobilising community action and stressing the long-term importance of social-sector investments.
- 13.12. Domestic resources provide the largest portion of funds for attaining development objectives. Domestic resource mobilisation is, thus, one of the highest priority areas for focused attention to ensure the timely actions required to meet the objectives of the present Programme of Action. Both the public and the private sectors can potentially contribute to the resources required. Many of the countries seeking to pursue the additional goals and objectives of the Programme of Action, especially the least developed countries and other poor countries that are undergoing painful structural adjustments, are continuing to experience recessionary trends in their economies. Their domestic resource mobilisation efforts to expand and improve their population and development programmes will need to be complemented by a significantly greater provision of financial and technical resources by the international community, as indicated in chapter XIV. In the mobilisation of new and additional domestic resources and resources from donors, special attention needs to be given to adequate measures to address the basic needs of the most vulnerable groups of the population, particularly in the rural areas, and to ensure their access to social services.
- 13.13. Based on the current large unmet demands for reproductive health services, including family planning, and the expected growth in numbers of women and men of reproductive age, demand for services will continue to grow very rapidly over the next two decades. This demand will be accelerated by growing interest in delayed child-bearing, better spacing of births and earlier completion of desired family size, and by easier access to services. Efforts to generate and make available higher levels of domestic resources, and to ensure their effective utilisation, in support of service-delivery programmes and of associated information, education and communication activities, thus, need to be intensified.
- 13.14. Basic reproductive health, including family-planning services, involving support for necessary training, supplies, infrastructure and management systems, especially at the primary health-care level, would include the following major components, which should be integrated into basic national programmes for population and reproductive health:
- (a) In the family-planning services component - contraceptive commodities and service delivery; capacity-building for information, education and communication regarding family planning and population and development issues; national capacity-building through support for training; infrastructure development and upgrading of facilities; policy development and programme evaluation; management information systems; basic service statistics; and focused efforts to ensure good quality care;
  - (b) In the basic reproductive health services component - information and routine services for prenatal, normal and safe delivery and post-natal care; abortion (as specified in paragraph 8.25); information, education and communication about reproductive health, including sexually transmitted diseases, human sexuality and responsible parenthood, and against harmful practices; adequate counselling; diagnosis and treatment for sexually transmitted diseases and other reproductive tract infections, as feasible; prevention of infertility and appropriate treatment, where feasible; and referrals, education and counselling services for sexually transmitted diseases, including HIV/AIDS, and for pregnancy and delivery complications;

- (c) In the sexually transmitted diseases/HIV/AIDS prevention programme component - mass media and in-school education programmes, promotion of voluntary abstinence and responsible sexual behaviour and expanded distribution of condoms;
- (d) In the basic research, data and population and development policy analysis component - national capacity-building through support for demographic as well as programme-related data collection and analysis, research, policy development and training.

13.15. It has been estimated that, in the developing countries and countries with economies in transition, the implementation of programmes in the area of reproductive health, including those related to family planning, maternal health and the prevention of sexually transmitted diseases, as well as other basic actions for collecting and analysing population data, will cost: \$17.0 billion in 2000, \$18.5 billion in 2005, \$20.5 billion in 2010 and \$21.7 billion in 2015; these are cost-estimates prepared by experts, based on experience to date, of the four components referred to above. These estimates should be reviewed and updated on the basis of the comprehensive approach reflected in paragraph 13.14 of the present Programme of Action, particularly with respect to the costs of implementing reproductive health service delivery. Of this, approximately 65 per cent is for the delivery system. Programme costs in the closely related components which should be integrated into basic national programmes for population and reproductive health are estimated as follows:

- (a) The family-planning component is estimated to cost: \$10.2 billion in 2000, \$11.5 billion in 2005, \$12.6 billion in 2010 and \$13.8 billion in 2015. This estimate is based on census and survey data which help to project the number of couples and individuals who are likely to be using family-planning information and services. Projections of future costs allow for improvements in quality of care. While improved quality of care will increase costs per user to some degree, these increases are likely to be offset by declining costs per user as both prevalence and programme efficiency increase;
- (b) The reproductive health component (not including the delivery-system costs summarised under the family-planning component) is estimated to add: \$5.0 billion in 2000, \$5.4 billion in 2005, \$5.7 billion in 2010 and \$6.1 billion in 2015. The estimate for reproductive health is a global total, based on experience with maternal health programmes in countries at different levels of development, selectively including other reproductive health services. The full maternal and child health impact of these interventions will depend on the provision of tertiary and emergency care, the costs of which should be met by overall health-sector budgets;
- (c) The sexually transmitted diseases/HIV/AIDS prevention programme is estimated by the WHO Global Programme on AIDS to cost: \$1.3 billion in 2000, \$1.4 billion in 2005 and approximately \$1.5 billion in 2010 and \$1.5 billion in 2015;
- (d) The basic research, data and population and development policy analysis programme is estimated to cost: \$500 million in 2000, \$200 million in 2005, \$700 million in 2010 and \$300 million in 2015.

13.16. It is tentatively estimated that up to two thirds of the costs will continue to be met by the countries themselves and in the order of one third from external sources. However, the least developed countries and other low-income developing countries will require a greater share of external resources on a concessional and grant basis. Thus, there will be considerable variation in needs for external resources for population programmes, between and within regions. The estimated global requirements for international assistance are outlined in paragraph 14.11.

13.17. Additional resources will be needed to support programmes addressing population and development goals, particularly programmes seeking to attain the specific social- and economic-sector goals contained in the present Programme of Action. The health sector will require additional resources to strengthen the primary health-care delivery system, child survival programmes, emergency obstetrical care and broad-based programmes for the control of sexually transmitted diseases, including HIV/AIDS, as well as the humane treatment and care of those infected with sexually transmitted diseases/HIV/AIDS, among others. The education sector will also require substan-



tial and additional investments in order to provide universal basic education and to eliminate disparities in educational access owing to gender, geographical location, social or economic status etc.

- 13.18. Additional resources will be needed for action programmes directed to improving the status and empowerment of women and their full participation in the development process (beyond ensuring their basic education). The full involvement of women in the design, implementation, management and monitoring of all development programmes will be an important component of such activities.
- 13.19. Additional resources will be needed for action programmes to accelerate development programmes; generate employment; address environmental concerns, including unsustainable patterns of production and consumption; provide social services; achieve balanced distributions of population; and address poverty eradication through sustained economic growth in the context of sustainable development. Important relevant programmes include those addressed in Agenda 21.
- 13.20. The resources needed to implement the present Programme of Action require substantially increased investments in the near term. The benefits of these investments can be measured in future savings in sectoral requirements; sustainable patterns of production and consumption and sustained economic growth in the context of sustainable development; and overall improvements in the quality of life.

## Objective

- 13.21. The objective is to achieve an adequate level of resource mobilisation and allocation, at the community, national and international levels, for population programmes and for other related programmes, all of which seek to promote and accelerate social and economic development, improve the quality of life for all, foster equity and full respect for individual rights and, by so doing, contribute to sustainable development.

## Actions

- 13.22. Governments, non-governmental organisations, the private sector and local communities, assisted upon request by the international community, should strive to mobilise and effectively utilise the resources for population and development programmes that expand and improve the quality of reproductive health care, including family-planning and sexually transmitted diseases/HIV/AIDS prevention efforts. In line with the goal of the present Programme of Action to ensure universal availability of and access to high-quality reproductive health and family-planning services, particular emphasis must be put on meeting the needs of underserved population groups, including adolescents, taking into account the rights and responsibilities of parents and the needs of adolescents and the rural and the urban poor, and on ensuring the safety of services and their responsiveness to women, men and adolescents. In mobilising resources for these purposes, countries should examine new modalities such as increased involvement of the private sector, the selective use of user fees, social marketing, cost-sharing and other forms of cost recovery. However, these modalities must not impede access to services and should be accompanied with adequate 'safety net' measures.
- 13.23. Governments, non-governmental organisations, the private sector and local communities, assisted upon request by the international community, should strive to mobilise the resources needed to reinforce social development goals, and in particular to satisfy the commitments Governments have undertaken previously with regard to Education for All (the Jomtien Declaration), the multisectoral goals of the World Summit for Children, Agenda 21 and other relevant international agreements, and to further mobilise the resources needed to meet the goals in the present Programme of Action. In this regard, Governments are urged to devote an increased proportion of public-sector expenditures to the social sectors, as well as an increased proportion of official development assistance, stressing, in particular, poverty eradication within the context of sustainable development.
- 13.24. Governments, international organisations and non-governmental organisations should collaborate on an ongoing basis in the development of precise and reliable cost estimates, where appropriate, for each category of investment.



## Chapter XIV

### INTERNATIONAL COOPERATION

#### A. Responsibilities of partners in development

##### Basis for action

- 14.1. International cooperation has been proved to be essential for the implementation of population and development programmes during the past two decades. The number of financial donors has steadily increased and the profile of the donor community has increasingly been shaped by the growing presence of non-governmental and private-sector organisations. Numerous experiences of successful cooperation between developing countries have dispelled the stereotyped view of donors being exclusively developed countries. Donor partnerships have become more prevalent in a variety of configurations, so that it is no longer unusual to find Governments and multilateral organisations working closely together with national and international non-governmental organisations and segments of the private sector. This evolution of international cooperation in population and development activities reflects the considerable changes that have taken place during the past two decades, particularly with the greater awareness of the magnitude, diversity and urgency of unmet needs. Countries that formerly attached minimal importance to population issues now recognise them at the core of their development challenge. International migration and AIDS, for instance, formerly matters of marginal concern to a few countries, are currently high-priority issues in a large number of countries.
- 14.2. The maturing process undergone by international cooperation in the field of population and development has accentuated a number of difficulties and shortcomings that need to be addressed. For instance, the expanding number and configuration of development partners subjects both recipients and donors to increasing pressures to decide among a multitude of competing development priorities, a task which recipient Governments in particular may find exceedingly difficult to carry out. Lack of adequate financial resources and effective coordination mechanisms have been found to result in unnecessary duplication of efforts and lack of programme congruency. Sudden shifts in the development policies of donors may cause disruptions of programme activities across the world. Re-establishing and adhering to national priorities requires a new clarification of, and commitment to, reciprocal responsibilities among development partners.

##### Objectives

- 14.3. The objectives are:
- (a) To ensure that international cooperation in the area of population and development is consistent with national population and development priorities centred on the well-being of intended beneficiaries and serves to promote national capacity-building and self-reliance;
  - (b) To urge that the international community adopt favourable macroeconomic policies for promoting sustained economic growth and sustainable development in developing countries;
  - (c) To clarify the reciprocal responsibilities of development partners and improve coordination of their efforts;
  - (d) To develop long-term joint programmes between recipient countries and between recipient and donor countries;
  - (e) To improve and strengthen policy dialogue and coordination of population and development programmes and activities at the international level, including bilateral and multilateral agencies;
  - (f) To urge that all population and development programmes, with full respect for the various religious and ethical values and cultural backgrounds of each country's people, adhere to basic human rights recognised by the international community and recalled in the present Programme of Action.

## Actions

- 14.4. At the programme level, national capacity-building for population and development and transfer of appropriate technology and know-how to developing countries, including countries with economies in transition, must be core objectives and central activities for international cooperation. In this respect, important elements are to find accessible ways to meet the large commodity needs, of family-planning programmes, through the local production of contraceptives of assured quality and affordability, for which technology cooperation, joint ventures and other forms of technical assistance should be encouraged.
- 14.5. The international community should promote a supportive economic environment by adopting favourable macroeconomic policies for promoting sustained economic growth and development.
- 14.6. Governments should ensure that national development plans take note of anticipated international funding and cooperation in their population and development programmes, including loans from international financial institutions, particularly with respect to national capacity-building, technology cooperation and transfer of appropriate technology, which should be provided on favourable terms, including on concessional and preferential terms, as mutually agreed, taking into account the need to protect international property rights, as well as the special needs of developing countries.
- 14.7. Recipient Governments should strengthen their national coordination mechanisms for international cooperation in population and development, and in consultations with donors clarify the responsibilities assigned to various types of development partners, including intergovernmental and international non-governmental organisations, based on careful consideration of their comparative advantages in the context of national development priorities and of their ability to interact with national development partners. The international community should assist recipient Governments to undertake these coordinating efforts.

## B. Towards a new commitment to funding population and development

### Basis for action

- 14.8. There is a strong consensus on the need to mobilise significant additional financial resources from both the international community and within developing countries and countries with economies in transition for national population programmes in support of sustainable development. The Amsterdam Declaration on a Better Life for Future Generations, adopted at the International Forum on Population in the Twenty-first Century, held at Amsterdam in 1989, called on Governments to double the total global expenditures in population programmes and on donors to increase substantially their contribution, in order to meet the needs of millions of people in developing countries in the fields of family planning and other population activities by the year 2000. However, since then, international resources for population activities have come under severe pressure, owing to the prolonged economic recession in traditional donor countries. Also, developing countries face increasing difficulties in allocating sufficient funds for their population and related programmes. Additional resources are urgently required to better identify and satisfy unmet needs in issues related to population and development, such as reproductive health care, including family-planning and sexual health information and services, as well as to respond to future increases in demand, to keep pace with the growing demands that need to be served, and to improve the scope and quality of programmes.
- 14.9. To assist the implementation of population and reproductive health care, including family-planning and sexual health programmes, financial and technical assistance from bilateral and multilateral agencies have been provided to the national and sub-national agencies involved. As some of these began to be successful, it became desirable for countries to learn from one another's experiences, through a number of different modalities (e.g., long- and short- term training programmes, observation study tours and consultant services).

## Objectives

14.10. The objectives are:

- (a) To increase substantially the availability of international financial assistance in the field of population and development in order to enable developing countries and countries with economies in transition to achieve the goals of the present Programme of Action as they pursue their self-reliant and capacity-building efforts;
- (b) To increase the commitment to, and the stability of, international financial assistance in the field of population and development by diversifying the sources of contributions, while striving to avoid as far as possible a reduction in the resources for other development areas. Additional resources should be made available for short-term assistance to the countries with economies in transition;
- (c) To increase international financial assistance to direct South-South cooperation and to facilitate financing procedures for direct South-South cooperation.

## Actions

- 14.11. The international community should strive for the fulfilment of the agreed target of 0.7 per cent of the gross national product for overall official development assistance and endeavour to increase the share of funding for population and development programmes commensurate with the scope and scale of activities required to achieve the objectives and goals of the present Programme of Action. A crucially urgent challenge to the international donor community is therefore the translation of their commitment to the objectives and quantitative goals of the present Programme of Action into commensurate financial contributions to population programmes in developing countries and countries with economies in transition. Given the magnitude of the financial resource needs for national population and development programmes (as identified in chapter XIII), and assuming that recipient countries will be able to generate sufficient increases in domestically generated resources, the need for complementary resource flows from donor countries would be in the order of (in 1993 US dollars): \$5.7 billion in 2000; \$6.1 billion in 2005; \$6.8 billion in 2010; and \$7.2 billion in 2015. The international community takes note of the initiative to mobilise resources to give all people access to basic social services, known as the 20/20 initiative, which will be studied further in the context of the World Summit for Social Development.
- 14.12. Recipient countries should ensure that international assistance for population and development activities is used effectively to meet national population and development objectives so as to assist donors to secure commitment to further resources for programmes.
- 14.13. The United Nations Population Fund, other United Nations organisations, multilateral financial institutions, regional banks and bilateral financial sources are invited to consult, with a view to coordinating their financing policies and planning procedures to improve the impact, complementarity and cost-effectiveness of their contributions to the achievement of the population programmes of the developing countries and countries with economies in transition.
- 14.14. Criteria for allocation of external financial resources for population activities in developing countries should include:
- (a) Coherent national programmes, plans and strategies on population and development;
  - (b) The recognised priority to the least developed countries;
  - (c) The need to complement national financial efforts on population;
  - (d) The need to avoid obstacles to, or reversal of, progress achieved thus far;
  - (e) Problems of significant social sectors and areas that are not reflected in national average indicators.
- 14.15. Countries with economies in transition should receive temporary assistance for population and development activities in the light of the difficult economic and social problems these countries face at present.
- 14.16. In devising the appropriate balance between funding sources, more attention should be given to South-South cooperation as well as to new ways of mobilising private contributions, particularly in partner-

ship with non-governmental organisations. The international community should urge donor agencies to improve and modify their funding procedures in order to facilitate and give higher priority to supporting direct South-South collaborative arrangements.

- 14.17. Innovative financing, including new ways of generating public and private financing resources and various forms of debt relief should be explored.
- 14.18. International financial institutions are encouraged to increase their financial assistance, particularly in population and reproductive health, including family planning and sexual health care.

## Chapter XV

### PARTNERSHIP WITH THE NON-GOVERNMENTAL SECTOR\*

#### A. Local, national and international non-governmental organisations

##### Basis for action

- 15.1 As the contribution, real and potential, of non-governmental organisations gains clearer recognition in many countries and at regional and international levels, it is important to affirm its relevance in the context of the preparation and implementation of the present Programme of Action. To address the challenges of population and development effectively, broad and effective partnership is essential between Governments and non-governmental organisations (comprising not-for-profit groups and organisations at the local, national and international levels) to assist in the formulation, implementation, monitoring and evaluation of population and development objectives and activities.
- 15.2. Despite widely varying situations in their relationship and interaction with Governments, non-governmental organisations have made and are increasingly making important contributions to both population and development activities at all levels. In many areas of population and development activities, non-governmental groups are already rightly recognised for their comparative advantage in relation to government agencies, because of innovative, flexible and responsive programme design and implementation, including grass-roots participation, and because quite often they are rooted in and interact with constituencies that are poorly served and hard to reach through government channels.
- 15.3. Non-governmental organisations are important voices of the people, and their associations and networks provide an effective and efficient means of better focusing local and national initiatives and addressing pressing population, environmental, migration and economic and social development concerns.
- 15.4. Non-governmental organisations are actively involved in the provision of programme and project services in virtually every area of socio-economic development, including the population sector. Many of them have, in a number of countries, a long history of involvement and participation in population-related activities, particularly family planning. Their strength and credibility lies in the responsible and constructive role they play in society and the support their activities engender from the community as a whole. Formal and informal organisations and networks, including grass-roots movements, merit greater recognition at the local, national and international levels as valid and valuable partners for the implementation of the present Programme of Action. For such partnerships to develop and thrive, it is necessary for governmental and non-governmental organisations to institute appropriate systems and mechanisms to facilitate constructive dialogue, in the context of national programmes and policies, recognising their distinct roles, responsibilities and particular capacities.
- 15.5. The experience, capabilities and expertise of many non-governmental organisations and local community groups in areas of direct relevance to the Programme of Action is acknowledged. Non-governmental organisations, especially those working in the field of sexual and reproductive health and family planning, women's organisations and immigrant and refugee support advocacy groups, have increased public knowledge and provided educational services to men and women which contribute towards successful implementation of population and development policies. Youth organisations are increasingly becoming effective partners in developing programmes to educate youth on reproductive health,

gender and environmental issues. Other groups, such as organisations of the aged, migrants, organisations of persons with disabilities and informal grass-roots groups, also contribute effectively to the enhancement of programmes for their particular constituencies. These diverse organisations can help in ensuring the quality and relevance of programmes and services to the people they are meant to serve. They should be invited to participate with local, national and international decision-making bodies, including the United Nations system, to ensure effective implementation, monitoring and evaluation of the present Programme of Action.

- 15.6. In recognition of the importance of effective partnership, non-governmental organisations are invited to foster coordination, cooperation and communication at the local, national, regional and international levels and with local and national governments, to reinforce their effectiveness as key participants in the implementation of population and development programmes and policies. The involvement of non-governmental organisations should be seen as complementary to the responsibility of Governments to provide full, safe and accessible reproductive health services, including family-planning and sexual health services. Like Governments, non-governmental organisations should be accountable for their actions and should offer transparency with respect to their services and evaluation procedures.

### **Objective**

- 15.7. The objective is to promote an effective partnership between all levels of government and the full range of non-governmental organisations and local community groups, in the discussion and decisions on the design, implementation, coordination, monitoring and evaluation of programmes relating to population, development and environment in accordance with the general policy framework of Governments, taking duly into account the responsibilities and roles of the respective partners.

### **Actions**

- 15.8. Governments and intergovernmental organisations, in dialogue with non-governmental organisations and local community groups, and in full respect for their autonomy, should integrate them in their decision-making and facilitate the contribution that non-governmental organisations can make at all levels towards finding solutions to population and development concerns and, in particular, to ensure the implementation of the present Programme of Action. Non-governmental organisations should have a key role in national and international development processes.
- 15.9. Governments should ensure the essential roles and participation of women's organisations in the design and implementation of population and development programmes. Involving women at all levels, especially the managerial level, is critical to meeting the objectives and implementing the present Programme of Action.
- 15.10. Adequate financial and technical resources and information necessary for the effective participation of non-governmental organisations in the research, design, implementation, monitoring and evaluation of population and development activities should, if feasible and if requested, be made available to the non-governmental sector by Governments, intergovernmental organisations and international financial institutions in a manner that will not compromise their full autonomy. To ensure transparency, accountability and effective division of labour, these same institutions should make available the necessary information and documents to those non-governmental organisations. International organisations may provide financial and technical assistance to non-governmental organisations in accordance with the laws and regulations of each country.
- 15.11. Governments and donor countries, including intergovernmental organisations and international financial institutions, should ensure that non-governmental organisations and their networks are able to maintain their autonomy and strengthen their capacity through regular dialogue and consultations, appropriate training and outreach activities, and thus play a greater partnership role at all levels.
- 15.12. Non-governmental organisations and their networks and local communities should strengthen their interaction with their constituencies, ensure the transparency of their activities, mobilise public opinion,

participate in the implementation of population and development programmes and actively contribute to the national, regional and international debate on population and development issues. Governments, where appropriate, should include representation of non-governmental organisations on country delegations to regional and international forums where issues on population and development are discussed.

## **B. The private sector**

### **Basis for action**

- 15.13. The private, profit-oriented sector plays an important role in social and economic development, including production and delivery of reproductive health-care services and commodities, appropriate education and information relevant to population and development programmes. In a growing number of countries, the private sector has or is developing the financial, managerial and technological capacity to carry out an array of population and development activities in a cost-efficient and effective manner. This experience has laid the groundwork for useful partnerships which the private sector can further develop and expand. Private-sector involvement may assist or supplement but must not mitigate the responsibility of Governments to provide full, safe and accessible reproductive health services to all people. The private sector must also ensure that all population and development programmes, with full respect for the various religious and ethical values and cultural backgrounds of each country's people, adhere to basic rights recognised by the international community and recalled in the present Programme of Action.
- 15.14. Another aspect of the private sector's role is its importance as a partner for economic growth and sustainable development. Through its actions and attitudes, the private sector can make a decisive impact on the quality of life of its employees and often on large segments of society and their attitudes. Experience gained from these programmes is useful to Governments and non-governmental organisations alike in their ongoing efforts to find innovative ways of effectively involving the private sector in population and development programmes. A growing consciousness of corporate responsibilities increasingly is leading private-sector decision makers to search for new ways in which for-profit entities can constructively work with Governments and non-governmental organisations on population and sustainable development issues. By acknowledging the contribution of the private sector, and by seeking more programme areas for mutually beneficial cooperation, Governments and non-governmental organisations alike may strengthen the efficiency of their population and development activities.

### **Objectives**

15.15. The objectives are:

- (a) To strengthen the partnership between Governments, international organisations and the private sector in identifying new areas of cooperation;
- (b) To promote the role of the private sector in service delivery and in the production and distribution, within each region of the world, of high-quality reproductive health and family-planning commodities and contraceptives, which are accessible and affordable to low-income sectors of the population.

### **Actions**

- 15.16. Governments and non-governmental and international organisations should intensify their cooperation with the private, for-profit sector in matters pertaining to population and sustainable development in order to strengthen the contribution of that sector in the implementation of population and development programmes, including the production and delivery of quality contraceptive commodities and services with appropriate information and education, in a socially responsible, culturally sensitive, acceptable and cost-effective manner.
- 15.17. Non-profit and profit-oriented organisations and their networks should develop mechanisms whereby they can exchange ideas and experiences in the population and development fields with a view to shar-



ing innovative approaches and research and development initiatives. The dissemination of information and research should be a priority.

- 15.18. Governments are strongly encouraged to set standards for service delivery and review legal, regulatory and import policies to identify and eliminate those policies that unnecessarily prevent or restrict the greater involvement of the private sector in efficient production of commodities for reproductive health, including family planning, and in service delivery. Governments, taking into account cultural and social differences, should strongly encourage the private sector to meet its responsibilities regarding consumer information dissemination.
- 15.19. The profit-oriented sector should consider how it might better assist non-profit non-governmental organisations to play a wider role in society through the enhancement or creation of suitable mechanisms to channel financial and other appropriate support to non-governmental organisations and their associations.
- 15.20. Private-sector employers should continue to devise and implement special programmes that help meet their employees' needs for information, education and reproductive health services, and accommodate their employees' needs to combine work and family responsibilities. Organised health-care providers and health insurers should also continue to include family planning and reproductive health services in the package of health benefits they provide.
- \* The Holy See expressed a general reservation on this chapter. The reservation is to be interpreted in terms of the statement made by the representative of the Holy See at the 14th plenary meeting, on 13 September 1994.

## **Chapter XVI**

### **FOLLOW-UP TO THE CONFERENCE\***

#### **A. Activities at the national level**

##### **Basis for action**

- 16.1. The significance of the International Conference on Population and Development will depend on the willingness of Governments, local communities, the non-governmental sector, the international community and all other concerned organisations and individuals to turn the recommendations of the Conference into action. This commitment will be of particular importance at the national and individual levels. Such a willingness to truly integrate population concerns into all aspects of economic and social activity and their interrelationships will greatly assist in the achievement of an improved quality of life for all individuals as well as for future generations. All efforts must be pursued towards sustained economic growth within the context of sustainable development.
- 16.2. The extensive and varied preparatory processes at the international, regional, subregional, national and local levels have constituted an important contribution to the formulation of the present Programme of Action. Considerable institutional development has taken place in many countries in order to steer the national preparatory process; greater awareness of population issues has been fostered through public information and education campaigns, and national reports have been prepared for the Conference. The great majority of countries participating in the Conference responded to an invitation to prepare comprehensive national population reports. The complementarity of those reports to others commissioned by recent international conferences and initiatives relating to environmental, economic and social development is noteworthy and encouraging. The importance of building on these activities in the follow-up to the Conference is fully acknowledged.
- 16.3. The main functions related to Conference follow-up include policy guidance, including building strong political support at all levels for population and development; resource mobilisation; coordination and mutual accountability of efforts to implement the Programme of Action; problem solving and sharing of experience within and between countries; and monitoring and reporting of progress in the implementation of the Programme of Action. Each of these functions requires concerted and



coordinated follow-up at the national and international levels, and must fully involve all relevant individuals and organisations, including non-governmental and community-based organisations. Implementation, monitoring and evaluation of the Programme of Action at all levels should be conducted in a manner consistent with its principles and objectives.

- 16.4. The implementation of the present Programme of Action at all levels must be viewed as part of an integrated follow-up effort to major international conferences, including the present Conference, the World Conference on Health for All, the World Conference on Education for All, the World Summit for Children, the United Nations Conference on the Least Developed Countries, the United Nations Conference on Environment and Development, the International Conference on Nutrition, the World Conference on Human Rights, the Global Conference on the Sustainable Development of Small Island Developing States, the World Summit for Social Development, the Fourth World Conference on Women and the United Nations Conference on Human Settlements (Habitat II).
- 16.5. The implementation of the goals, objectives and actions of the present Programme of Action will in many instances require additional resources.

### **Objective**

- 16.6. The objective is to encourage and enable countries to fully and effectively implement the Programme of Action, through appropriate and relevant policies and programmes at the national level.

### **Actions**

- 16.7. Governments should:
- (a) commit themselves at the highest political level to achieving the goals and objectives contained in the present Programme of Action and
  - (b) take a lead role in coordinating the implementation, monitoring and evaluation of follow-up actions.
- 16.8. Governments, organisations of the United Nations system and major groups, in particular non-governmental organisations, should give the widest possible dissemination to the Programme of Action and should seek public support for the goals, objectives and actions of the Programme of Action. This may involve follow-up meetings, publications and audio-visual aids and both print and electronic media.
- 16.9. All countries should consider their current spending priorities with a view to making additional contributions for the implementation of the Programme of Action, taking into account the provisions of chapters XIII and XIV and the economic constraints faced by developing countries.
- 16.10. All countries should establish appropriate national follow-up, accountability and monitoring mechanisms in partnership with non-governmental organisations, community groups and representatives of the media and the academic community, as well as with the support of parliamentarians.
- 16.11. The international community should assist interested Governments in organising appropriate national-level follow-up, including national capacity-building for project formulation and programme management, as well as strengthening of coordination and evaluation mechanisms to assess the implementation of the present Programme of Action.
- 16.12. Governments, with the assistance of the international community, where necessary, should as soon as possible set up or enhance national databases to provide baseline data and information that can be used to measure or assess progress towards the achievement of the goals and objectives of the present Programme of Action and other related international documents, commitments and agreements. For the purpose of assessing progress, all countries should regularly assess their progress towards achieving the objectives and goals of the Programme of Action and other related commitments and agreements and report, on a periodic basis, in collaboration with non-governmental organisations and community groups.
- 16.13. In the preparation of those assessments and reports, Governments should outline successes achieved, as well as problems and obstacles encountered. Where possible, such national reports should be compatible

with the national sustainable development plans that countries will prepare in the context of the implementation of Agenda 21. Efforts should also be made to devise an appropriate consolidated reporting system, taking into account all relevant United Nations conferences having national reporting requirements in related fields.

### **B. Subregional and regional activities**

#### **Basis for action**

16.14. Activities undertaken at both the subregional and regional levels have been an important aspect of preparations for the Conference. The outcome of subregional and regional preparatory meetings on population and development has clearly demonstrated the importance of acknowledging, alongside both international and national actions, the continuing contribution of subregional and regional action.

#### **Objective**

16.15. The objective is to promote implementation of the present Programme of Action at the subregional and regional levels, with attention to specific subregional and regional strategies and needs.

#### **Actions**

16.16. Regional commissions, organisations of the United Nations system functioning at the regional level, and other relevant subregional and regional organisations should play an active role within their mandates regarding the implementation of the present Programme of Action through subregional and regional initiatives on population and development. Such action should be coordinated among the organisations concerned at the subregional and regional levels, with a view to ensuring efficient and effective action in addressing specific population and development issues relevant to the regions concerned, as appropriate.

16.17. At the sub-regional and regional levels:

- (a) Governments in the sub-regions and regions and relevant organisations are invited, where appropriate, to reinforce existing follow-up mechanisms, including meetings for the follow-up of regional declarations on population and development issues;
- (b) Multidisciplinary expertise should, where necessary, be utilised to play a key role in the implementation and follow-up of the present Programme of Action;
- (c) Cooperation in the critical areas of capacity-building, the sharing and exchange of information and experiences, know-how and technical expertise should be strengthened with the appropriate assistance of the international community, taking into account the need for a partnership with non-governmental organisations and other major groups, in the implementation and follow-up of the Programme of Action at the regional level;
- (d) Governments should ensure that training and research in population and development issues at the tertiary level are strengthened, and that research findings and implications are widely disseminated.

### **C. Activities at the international level**

#### **Basis for action**

16.18. The implementation of the goals, objectives and actions of the present Programme of Action will require new and additional financial resources from the public and private sectors, non-governmental organisations and the international community. While some of the resources required could come from the reordering of priorities, additional resources will be needed. In this context, developing countries, particularly the least developed countries, will require additional resources, including on concessional and grant terms, according to sound and equitable indicators. Countries with economies in transition may also

require temporary assistance in the light of the difficult economic and social problems these countries face at present. Developed countries, and others in a position to do so, should consider providing additional resources, as needed, to support the implementation of the decisions of this Conference through bilateral and multilateral channels, as well as through non-governmental organisations.

16.19. South-South cooperation at all levels is an important instrument of development. In this regard, such cooperation - technical cooperation among developing countries - should play an important part in the implementation of the present Programme of Action.

## Objectives

16.20. The objectives are:

- (a) To ensure full and consistent support, including financial and technical assistance from the international community, including the United Nations system, for all efforts directed at the implementation of the present Programme of Action at all levels;
- (b) To ensure a coordinated approach and a clearer division of labour in population-relevant policy and operational aspects of development cooperation. This should be supplemented by enhanced coordination and planning in the mobilisation of resources;
- (c) To ensure that population and development issues receive appropriate focus and integration in the work of the relevant bodies and entities of the United Nations system.

## Actions

16.21. The General Assembly is the highest intergovernmental mechanism for the formulation and appraisal of policy on matters relating to the follow-up to this Conference. To ensure effective follow-up to the Conference, as well as to enhance intergovernmental decision-making capacity for the integration of population and development issues, the Assembly should organise a regular review of the implementation of the present Programme of Action. In fulfilling this task, the Assembly should consider the timing, format and organisational aspects of such a review.

16.22. The General Assembly and the Economic and Social Council should carry out their respective responsibilities, as entrusted to them in the Charter of the United Nations, in the formulation of policies and the provision of guidance to and coordination of United Nations activities in the field of population and development.

16.23. The Economic and Social Council, in the context of its role under the Charter, vis-...-vis the General Assembly and in accordance with Assembly resolutions 45/264, 46/235 and 48/162, should assist the General Assembly in promoting an integrated approach and in providing system-wide coordination and guidance in the monitoring of the implementation of the present Programme of Action and in making recommendations in this regard. Appropriate steps should be taken to request regular reports from the specialised agencies regarding their plans and programmes related to the implementation of this Programme of Action, pursuant to Article 64 of the Charter.

16.24. The Economic and Social Council is invited to review the reporting system within the United Nations system regarding population and development issues, taking into account the reporting procedures that are required in follow-up to other international conferences, with a view to establishing, where possible, a more coherent reporting system.

16.25. Within their respective mandates and in accordance with General Assembly resolution 48/162, the Assembly, during its forty-ninth session, and the Economic and Social Council, in 1995, should review the roles, responsibilities, mandates and comparative advantages of both the relevant intergovernmental bodies and the organs of the United Nations system addressing population and development, with a view to:

- (a) Ensuring the effective and efficient implementation, monitoring and evaluation of the United Nations operational activities that will be undertaken on the basis of the present Programme of Action;

- (b) Improving the efficiency and effectiveness of the current United Nations structures and machinery responsible for implementing and monitoring population and development activities, including strategies for addressing coordination and for intergovernmental review;
  - (c) Ensuring clear recognition of the interrelationships between policy guidance, research, standard-setting and operational activities for population and development, as well as the division of labour between the bodies concerned.
- 16.26. As part of this review, the Economic and Social Council should, in the context of General Assembly resolution 48/162, consider the respective roles of the relevant United Nations organs dealing with population and development, including the United Nations Population Fund and the Population Division of the Department for Economic and Social Information and Policy Analysis of the United Nations Secretariat, regarding the follow-up to the present Programme of Action.
- 16.27. The General Assembly, at its forty-ninth session, in accordance with its resolution 48/162, is invited to give further consideration to the establishment of a separate Executive Board of the United Nations Population Fund, taking into account the results of the above-mentioned review and bearing in mind the administrative, budgetary and programme implications of such a proposal.
- 16.28. The Secretary-General of the United Nations is invited to consult with the various bodies of the United Nations system, as well as with international financial institutions and various bilateral aid organisations and agencies, with a view to promoting an exchange of information among them on the requirements for international assistance and to reviewing, on a regular basis, the specific needs of countries in the field of population and development, including emergency and temporary needs, and maximising the availability of resources and their most effective utilisation.
- 16.29. All specialised agencies and related organisations of the United Nations system are invited to strengthen and adjust their activities, programmes and medium-term strategies, as appropriate, to take into account the follow-up to the Conference. Relevant governing bodies should review their policies, programmes, budgets and activities in this regard.
- \* The Holy See expressed a general reservation on this chapter. The reservation is to be interpreted in terms of the statement made by the representative of the Holy See at the 14th plenary meeting, on 13 September 1994.

## Part Two

# Statements and reservations on the programme of action

## chapter I

### ORAL STATEMENTS AND RESERVATIONS ON THE PROGRAMME OF ACTION

At the 13th and 14th plenary meetings, the representatives of a number of countries made statements which they requested the secretariat of the Conference to place on record. Those statements are set out below.

The representative of Afghanistan stated the following:

“The delegation of Afghanistan wishes to express its reservation about the word ‘individual’ in chapter VII and also about those parts that are not in conformity with Islamic Sharia. “

The representative of Brunei Darussalam stated the following:

“According to our interpretation, one aspect of reproductive rights and reproductive health, referring specifically to paragraphs 7.3 and 7.47 and subparagraph 13.14(c) of the Programme of Action, contradicts Islamic law and our national legislation, ethical values and cultural background. My country wishes to place on record its reservation on those paragraphs. “

The representative of El Salvador stated the following:

“Recognising that aspects of the Programme of Action are tremendously positive and are of supreme importance for the future development of mankind, the family and our children, we, as leaders of nations, cannot but express the reservations we feel are appropriate. If we did not, we could not possibly face the questions from our people that are certain to be posed.

“It is for this reason - recognising the spirit of the document, to which we have given our consensus and our approval - that we wish to state that there are three basic aspects which we are concerned about. Therefore, in accordance with the rules of procedure of this Conference, we wish to express the following reservations and request that they be included in full in the report of this Conference.

“We Latin American countries are signatories to the American Convention on Human Rights (Pact of San Jos.). Article 4 thereof states quite clearly that life must be protected from the moment of conception. In addition, because our countries are mainly Christian, we consider that life is given by the Creator and cannot be taken unless there is a reason which justifies it being extinguished. For this reason, as far as Principle 1 of the Programme of Action is concerned, we associate ourselves with the reservation expressed by the delegation of Argentina: we consider that life must be protected from the moment of conception.

“As far as the family is concerned, although we are quite clear about what is contained in the document, we would like to express specific reservations on how the term ‘various forms of family’ is going to be interpreted, because the union is between man and woman, as is defined in our Family Code in the Constitution of our Republic.\*

“As far as reproductive rights, reproductive health and family planning are concerned, we wish to express reservations, as the other Latin American countries have done: we should never include abortion within these concepts, either as a service or as a method of regulating fertility.

“The delegation of El Salvador endorses the reservations expressed by other nations with regard to the term ‘individuals’ as we objected to that term in the Main Committee. It is not in conformity with our legislation and therefore could give rise to misunderstanding. We therefore express our reservation with respect to the term ‘individuals’.”

\* The representative of El Salvador later corrected his statement as follows: In referring to the family in its various forms, under no circumstances can we change the origin and foundation of the family, which is the union between man and woman from which derive children.

The representative of Honduras stated the following:

“Pursuant to rule 33 of the rules of procedure, the delegation of Honduras, in subscribing to the Programme of Action of this Conference, would like to submit in accordance with rule 38 of the same rules of procedure, the following statement of reservations, requesting that it be included in full in the final report.

“The delegation of Honduras in supporting the Programme of Action of the International Conference on Population and Development bases itself on the Declaration of the Fifteenth Summit of Central American Presidents, adopted at Guacimo de Limon, Costa Rica, on 20 August 1994 and bases itself specifically on the following:

“(a) Article 65 of the Constitution of the Republic of Honduras, which provides for the fact that the right to life is inviolable, and articles 111 and 112 of the same Constitution, which state that the State must protect the institution of the family and marriage and the right of men and women to contract marriages and common law marriages;

“(b) The American Convention on Human Rights, which reaffirms that every person has the right to life and that this right will be protected by law and will be protected in general, starting from the moment of conception, based on moral, ethical, religious and cultural principles, which should regulate the international community, and in accordance with the internationally recognised human rights.

“As a consequence of this, one accepts the concepts of ‘family planning’, ‘sexual health’, ‘reproductive health’, ‘maternity without risk’, ‘regulation of fertility’, ‘reproductive rights’ and ‘sexual rights’ so long as these terms do not include ‘abortion’ or ‘termination of pregnancy’, because Honduras does not accept these as arbitrary actions; nor do we accept them as a way of controlling fertility or regulating the population.

“Secondly, given that new terminology has been introduced in the document, as well as concepts which should be further analysed, and that these terms and concepts are expressed in scientific language, social language or public service language, which will have to be understood in terms of their proper context and are not interpreted in a way that could undermine respect for human beings, the delegation of Honduras considers that this terminology can only be understood without prejudice to its national law.

“Finally, we also state that the terms ‘family composition and structure’, ‘types of families’, ‘different types of families’, ‘other unions’ and similar terms can only be accepted on the understanding that in Honduras these terms will never be able to mean unions of persons of the same sex. “

The representative of Jordan stated the following:

“The delegation of Jordan, in its deliberations and discussions with all delegations and in a very serious and responsible manner, always wanted to join the consensus on the Programme of Action. While deeply appreciating the great efforts deployed by the Main Committee and the working groups, which have worked for long hours with the aim of achieving consensus on the language, and in full respect of the values of all countries, the delegation of Jordan has reached some compromises regarding the language on all issues.

“We fully believe that the international community respects our national legislation, our religious beliefs and the sovereign right of each country to apply population policies in accordance with its legislation. The delegation of Jordan understands that the final document, particularly chapters IV, V, VI and VII, will be applied within the framework of Islamic Sharia and our ethical values, as well as the laws that shape our behaviour. We will deal with the paragraphs of this document accordingly. Therefore, we interpret the word ‘individuals’ to mean couples, a married couple. I hope that you will put these comments on record. “

The representative of Kuwait stated the following:

“The delegation of Kuwait would like to express its support for the Programme of Action, including all its positive points for the benefit of humankind. At the same time, we would like to put on record that our commitment to any objectives on population policies is subject to their not being in contradiction with Islamic Sharia or with the customs and traditions of Kuwaiti society and the Constitution of the State. “

The representative of the Libyan Arab Jamahiriya stated the following:

“The delegation of the Libyan Arab Jamahiriya wishes to express a reservation on all terms in the document that are in contravention of Islamic Sharia, such as we see in paragraph 4.17 and in chapter II of the document, in relation to inheritance and extramarital sexual activities, and the references to sexual behaviour, as in paragraph 8.31.

“I wish to express a reservation, despite the discussion that took place in the Main Committee regarding the basic rights of couples and individuals. We express a reservation regarding the word ‘individuals’.

“The Jamahiriya reconfirms, as part of Arab civilisation, the importance of a dialogue among all religions, cultures and peoples in order to achieve world peace; yet no country, no civilisation has the right to impose its political, economic and social orientations on any other people.

“I also want to express a reservation on the words ‘unwanted pregnancies’ in paragraph 8.25, because our written Constitution does not allow the State to undertake abortions unless the mother’s health is in danger. “

The representative of Nicaragua stated the following:

“Under rule 33 of the rules of procedure of this Conference, the delegation of Nicaragua supports the general agreement arrived at on the Programme of Action. Nevertheless, we would submit in writing pursuant to rule 38 of the rules of procedure, the following statement of reservations. We would request that this statement be fully reflected in the final report of this Conference.

“The Government of Nicaragua, pursuant to its Constitution and its laws, and as a signatory of the American Convention on Human Rights, confirms that every person has a right to life, this being a fundamental and inalienable right, and that this right begins from the very moment of conception.

“ Accordingly, first we agree that the family may take various forms, but in no event can its essence be changed. Its essence is the union between man and woman, from which new human life derives.



“Second, we accept the concepts of ‘family planning’, ‘sexual health’, ‘reproductive health’, ‘reproductive rights’ and ‘sexual rights’ expressing an explicit reservation on these terms and any others when they include ‘abortion’ or ‘termination of pregnancy’ as a component. Abortion and termination of pregnancy can under no circumstances be regarded as a method of regulating fertility or a means of population control.

“Third, we also express an explicit reservation on the terms ‘couple’ or ‘unions’ when they may refer to persons of the same sex.

“Fourth, Nicaragua accepts therapeutic abortion on the grounds of medical necessity under our Constitution. Thus, we express an explicit reservation on ‘abortion’ and ‘termination of pregnancy’ in any part of the Programme of Action of this Conference. “

The representative of Paraguay stated the following:

“In accordance with the introduction to chapter II of the Programme of Action, the delegation of Paraguay would like to express the following reservations.

“On chapter VII, paragraph 7.2, the right to life is the inherent right of every human being from conception to natural death. This is stipulated in article 4 of our national Constitution. Therefore, Paraguay accepts all forms of family planning with full respect for life, as is provided for in our national Constitution, and as an expression of exercising responsible parenthood.

“The inclusion of the term ‘interruption of pregnancy’ as part of the concept of regulation of fertility in the working definition proposed by the World Health Organisation, which was used during the course of this Conference, makes this concept totally unacceptable to our country. We wish to point out that in Paraguay we recognise constitutionally the need to work on the reproductive health of the population as a way of improving the quality of life of the family.

“On chapter II, principle 9, and chapter V, paragraph 5.1, our national Constitution considers that the family is the basic unit of society and is based on the union of a couple - man and woman - recognising as well single-parent families. It is only from this perspective that we can include the term ‘various forms of the family’, respecting the various cultures, traditions and religions.

“ We would like to request that this statement of reservations be included in the final report of the Conference. “

The representative of the Philippines stated the following:

“The Philippine delegation would like to put on record our regret that in paragraph 10.12 of the Programme of Action the originally proposed wording, recognising ‘the right to family reunification’ was toned down to just recognising ‘the vital importance of family reunification’. In the spirit of compromise, we agreed to the revised wording based on the argument forwarded by other delegations that there have been no previous international conventions or declarations proclaiming such a right, and that this is not the appropriate conference to establish this right. For this and other worthy reasons, we wish to reiterate the recommendation made in the Main Committee, supported by many delegations and received positively by the Chairman, that an international conference on migration be convened in the near future. We trust that this recommendation will be part of the record of this Conference and will be formally referred to the Economic and Social Council and the General Assembly for proper consideration. “

The representative of the Syrian Arab Republic stated the following:

“I should like to put on record that the Syrian Arab Republic will deal with and address the concepts contained in the Programme of Action in accordance with chapter II and in full accordance with the ethical, cultural and religious concepts and convictions of our society in order to serve the unit of the family, which is the nucleus of society, and in order to enhance prosperity in our societies. “

The representative of the United Arab Emirates stated the following:

“The delegation of the United Arab Emirates believes in protecting man and promoting his welfare and in enhancing his role in the family and in the State and at the international level. We consider also that man is the central object and the means for attaining sustainable development. We do not consider abortion as a means of family planning, and we adhere to the principles of Islamic law also in matters of inheritance.



“We wish to express reservations on everything that contravenes the principles and precepts of our religion Islam, a tolerant religion, and our laws. We would like the secretariat of the Conference to put on record the position we have expressed among the reservations that have been mentioned by other States on the final document. “

The representative of Yemen stated the following:

“The delegation of Yemen believes that chapter VII includes certain terminology that is in contradiction with Islamic Sharia. Consequently, Yemen expresses reservations on every term and all terminology that is in contradiction with Islamic Sharia.

“In chapter VIII, we have some observations to make, particularly relating to paragraph 8.24. Actually, we wanted to delete the words ‘sexual activity’. And, if we cannot delete them, then we wish to express our reservations. In paragraph 8.25, concerning ‘unsafe abortion’, we find that the definition is unclear and is not in accordance with our religious beliefs. In Islamic Sharia there are certain clear-cut provisions on abortion and when it should be undertaken. We object to the expression ‘unsafe abortion’. We wish to express our reservations on paragraph 8.35, relating to ‘responsible sexual behaviour’. “

## **Chapter II**

### **WRITTEN STATEMENTS SUBMITTED ON THE PROGRAMME OF ACTION**

The written statements set out below were submitted to the Conference secretariat for inclusion in the report of the Conference.

The representative of Argentina submitted the following written statement:

“Pursuant to rule 33 of the rules of procedure of the Conference (A/CONF.171/2), the Argentine Republic joins in the general agreement on the Programme of Action.

“However, we are submitting in writing pursuant to rule 38 the following reservation, and we request that it be included in full in the final report of the Conference.

#### **“Chapter II (Principles)**

##### **“Principle 1**

“The Argentine Republic accepts Principle 1 on the understanding that life exists from the moment of conception and that from that moment every person, being unique and un-reproducible, enjoys the right to life, which is the source of all other individual rights.

#### **“Chapter V (The family, its roles, rights, composition and structure)**

##### **“Paragraph 5.1**

“The Argentine Republic accepts paragraph 5.1 since, although the family may exist in various forms, in no case can its origin and foundation, i.e., the union between man and woman, which produces children, be changed.

#### **“Chapter VII (Reproductive rights and reproductive health)**

##### **“Paragraph 7.2**

“The Argentine Republic cannot accept the inclusion of abortion in the concept of ‘reproductive health either as a service or as a method of regulating fertility.

“This reservation, based on the universal nature of the right to life, also applies to all similar references to this concept. “

The representative of Djibouti submitted the following written statement:

“The delegation of the Republic of Djibouti has the honour to inform you of its wish to enter express reservations on all the passages in the paragraphs of the Programme of Action of the International Conference on Population and Development which conflict with the principles of Islam and with the legislation, laws and culture of the Republic of Djibouti.

“The delegation of Djibouti would like its reservations to be reflected in the report of the Conference.”

The representative of the Dominican Republic submitted the following written statement:

“Pursuant to rule 33 of the rules of procedure of the Conference (A/CONF.171/2) the Dominican Republic joins in the general agreement on the Programme of Action. However, in accordance with its Constitution and laws and as a signatory of the American Convention on Human Rights, it fully confirms its belief that everyone has a fundamental and inalienable right to life and that this right to life begins at the moment of conception.

“Accordingly, it accepts the content of the terms ‘reproductive health’, ‘sexual health’, ‘safe motherhood’, ‘reproductive rights’, ‘sexual rights’ and ‘regulation of fertility’ but enters an express reservation on the content of these terms and of other terms when their meaning includes the concept of abortion or interruption of pregnancy.

“We also enter an express reservation on the term ‘couple’ where it refers to persons of the same sex or where individual reproductive rights are mentioned outside the context of marriage and the family.

“These reservations also apply to all regional and international agreements which refer to these concepts.

### **“Chapters V and X**

“The Government of the Dominican Republic wishes to place on record that during the proceedings of the Conference in general, and in particular with regard to chapters V and X, it often proved difficult to reach a consensus owing to the lack of international instruments embodying the right to the integrity of the family.

“Aware that by promoting the unity and integrity of the family as a natural development system we are ensuring the comprehensive, sustainable development of our communities, we propose that this right to the integrity of the family be considered by the United Nations with a view to its adoption as soon as possible.

“Pursuant to rule 38 of the rules of procedure, we request that this statement of reservations be included in full in the final report of the Conference. 24.”

The representative of Ecuador submitted the following written statement:

“Pursuant to rule 33 of the rules of procedure of the Conference (A/CONF.171/2), the Government of Ecuador joins in the general agreement on the Programme of Action.

“However, pursuant to rule 38 of the rules of procedure, we enter the following reservations for inclusion in the final report of the Conference.

### **“Reservation**

“With regard to the Programme of Action of the Cairo International Conference on Population and Development and in accordance with the provisions of the Constitution and laws of Ecuador and the norms of international law, the delegation of Ecuador reaffirms, inter alia, the following principles embodied in its Constitution: the inviolability of life, the protection of children from the moment of conception, freedom of conscience and religion, the protection of the family as the fundamental unit of society, responsible paternity, the right of parents to bring up their children and the formulation of population and development plans by the Government in accordance with the principles of respect for sovereignty.

“Accordingly, the delegation of Ecuador enters a reservation with respect to all terms such as ‘regulation of fertility’, ‘interruption of pregnancy’, ‘reproductive health’, ‘reproductive rights’ and ‘unwanted children’, which in one way or another, within the context of the Programme of Action, could involve abortion.

“Ecuador also enters a reservation concerning certain unnatural concepts relating to the family, inter alia, which might undermine the principles contained in its Constitution.

“The Government of Ecuador is willing to collaborate in all activities designed to achieve the common good, although it does not and cannot accept principles which infringe its sovereignty, Constitution and laws.”

The representative of Egypt submitted the following written statement:

“We wish to point out that the delegation of Egypt was among those delegations that registered numerous comments on the contents of the Programme of Action with regard to the phrase ‘couples and individuals’.

“While recognising that this expression was adopted by consensus at the two previous population conferences of 1974 and 1984, our delegation called for the deletion of the word ‘individuals’ since it has always been our understanding that all the questions dealt with by the Programme of Action in this regard relate to harmonious relations between couples united by the bond of marriage in the context of the concept of the family as the primary cell of society.

“We should like the report of the Conference to reflect the above.”

The Government of Guatemala submitted the following written statement:

“The delegation of Guatemala wishes to offer its thanks to the Egyptian people and authorities and to the organisers of the Conference for their hospitality and for the services provided, for they made it possible for our deliberations about life and humanity’s future development to reach a conclusion which our delegation sincerely hopes will enhance respect for the life and dignity of men and women, especially those of the new generations, in which we will have to place our faith and trust in order to face the future without recourse to apocalyptic forecasts but in solidarity, justice and truth.

“Pursuant to rule 33 of the rules of procedure of the Conference (A/CONF.171/2), the Republic of Guatemala joins in the general agreement on the Programme of Action.

“Pursuant to rule 38, we submit the following statement of reservations and request that it be included in full in the final report of the Conference.

“The Government of Guatemala enters an express reservation on the use of terms, stipulations and provisions which are implicitly or explicitly inconsistent with:

- “1. The American Declaration of the Rights and Duties of Man;
- “2. The American Convention on Human Rights (Pact of San Jose);
- “3. The guidelines adopted at the fifteenth summit meeting of Central American Presidents;
- “4. The Constitution of the Republic of Guatemala;
- “5. Civil, criminal and human rights legislation;
- “6. The Multi-sectoral Agreement on Population Education issued by the Ministry of Education of Guatemala and the teaching approach used in such education;
- “7. The message to the Conference from the President of the Republic, Ramiro de Leon Carpio. We also enter express reservations on:

“(a) Chapter II (Principles): we accept this chapter but note that life exists from the moment of conception and that the right to life is the source of all other rights;

“(b) Chapter V, paragraph 5.1: we accept this provision on the understanding that, although the family may exist in various forms, under no circumstances can its essential nature, which is the union between a man and a woman from which love and life stem, be changed;

“(c) Chapter VII: we enter a reservation on the whole chapter, for the General Assembly’s mandate to the Conference does not extend to the creation or formulation of rights; this reservation therefore applies to all references in the document to ‘reproductive rights’, ‘sexual rights’, ‘reproductive health’, ‘fertility regulation’, ‘sexual health’, ‘individuals’, ‘sexual education and services for minors’, ‘abortion in all its forms’, ‘distribution of contraceptives’ and ‘safe motherhood’;

“(d) Chapter VIII: on all the paragraphs or sentences which contain or refer to the terms and concepts mentioned above;

“(e) Chapters IX, XII, XIII and XV: on references to those same terms and concepts.”

The representative of the Holy See submitted the following written statement:

“Our conference, attended by persons of various traditions and cultures, with widely differing viewpoints, has carried out its work in a peaceful and respectful atmosphere. The Holy See welcomes the progress that has been made in these days, but also finds that some of its expectations have not been met. I am sure that most delegations share similar sentiments.

“The Holy See knows well that some of its positions are not accepted by others present here. But there are many, believers and non-believers alike, in every country of the world, who share the views we have expressed. The Holy See appreciates the manner in which delegations have listened to and taken into consideration views which they may not always have agreed with. But the Conference would be poorer if these views had not been heard. An international conference which does not welcome voices that are different would be much less a consensus conference.

“As you well know, the Holy See could not find its way to join the consensus of the Conferences of Bucharest and Mexico City, because of some fundamental reservations. Yet, now in Cairo for the first time, development has been linked to population as a major issue of reflection. The current Programme of Action, however, opens out some new paths concerning the future of population policy. The document is notable for its affirmations against all forms of coercion in population policies. Clearly elaborated principles, based on the most important documents of the international community, clarify and enlighten the later chapters. The document recognises the protection and support required by the basic unit of society, the family founded on marriage. Women’s advancement and the improvement of women’s status, through education and better health-care services, are stressed. Migration, the all too often forgotten sector of population policy has been examined. The Conference has given clear indications of the concern that exists in the entire international community about threats to women’s health. There is an appeal to greater respect for religious and cultural beliefs of persons and communities.

“But there are other aspects of the final document which the Holy See cannot support. Together with so many people around the world, the Holy See affirms that human life begins at the moment of conception. That life must be defended and protected. The Holy See can therefore never condone abortion or policies which favour abortion. The final document, as opposed to the earlier documents of the Bucharest and Mexico City Conferences, recognises abortion as a dimension of population policy and, indeed of primary health care, even though it does stress that abortion should not be promoted as means of family planning and urges nations to find alternatives to abortion. The preamble implies that the document does not contain the affirmation of a new internationally recognised right to abortion.

“My delegation has now been able to examine and evaluate the document in its entirety. On this occasion the Holy See wishes, in some way, to join the consensus, even if in an incomplete, or partial manner.

“First, my delegation joins the consensus on the Principles (chapter II), as a sign of our solidarity with the basic inspiration which has guided, and will continue to guide, our work. Similarly, it joins the consensus on chapter V on the family, the basic unit of society.

“The Holy See joins the consensus on chapter III on population, sustained economic growth and sustainable development, although it would have preferred to see a more detailed treatment of this subject. It joins the consensus on chapter IV (Gender equality, equity and empowerment of women) and chapters IX and X on migration issues.

“The Holy See, because of its specific nature, does not find it appropriate to join the consensus on the operative chapters of the document (chapters XII to XVI).

“Since the approval of chapters VII and VIII in the Committee of the Whole, it has been possible to evaluate the significance of these chapters within the entire document, and also within health-care policy in general. The intense negotiations of these days have resulted in the presentation of a text which all recognise as improved, but about which the Holy See still has grave concerns. At the moment of their adoption by

consensus by the Main Committee, my delegation already noted its concerns about the question of abortion. The chapters also contain references which could be seen as accepting extramarital sexual activity, especially among adolescents. They would seem to assert that abortion services belong within primary health care as a method of choice.

“Despite the many positive aspects of chapters VII and VIII, the text that has been presented to us has many broader implications, which has led the Holy See to decide not to join the consensus on these chapters. This does not exclude the fact that the Holy See supports a concept of reproductive health as a holistic concept for the promotion of the health of men and women and will continue to work, along with others, towards the evolution of a more precise definition of this and other terms.

“The intention therefore of my delegation is to associate itself with this consensus in a partial manner compatible with its own position, without hindering the consensus among other nations, but also without prejudicing its own position with regard to some sections.

“Nothing that the Holy See has done in this consensus process should be understood or interpreted as an endorsement of concepts it cannot support for moral reasons. Especially, nothing is to be understood to imply that the Holy See endorses abortion or has in any way changed its moral position concerning abortion or on contraceptives or sterilisation or on the use of condoms in HIV/AIDS prevention programmes.

“I would ask that the text of this statement and the reservations formally indicated below be included in the report of the Conference.

## **“Reservations**

“The Holy See, in conformity with its nature and its particular mission, by joining in the consensus to parts of the final document of the International Conference on Population and Development (Cairo, 5-13 September 1994), wishes to express its understanding of the Programme of Action of the Conference.

- “1. Regarding the terms ‘sexual health’ and ‘sexual rights’, and ‘reproductive health’ and ‘reproductive rights’, the Holy See considers these terms as applying to a holistic concept of health, which embrace, each in their own way, the person in the entirety of his or her personality, mind and body, and which foster the achievement of personal maturity in sexuality and in the mutual love and decision-making that characterise the conjugal relationship in accordance with moral norms. The Holy See does not consider abortion or access to abortion as a dimension of these terms.
- “2. With reference to the terms ‘contraception’, ‘family planning’, ‘sexual and reproductive health’, ‘sexual and reproductive rights’, and “women’s ability to control their own fertility’, ‘widest range of family-planning services’ and any other terms regarding family-planning services and regulation of fertility concepts in the document, the Holy See’s joining the consensus should in no way be interpreted as constituting a change in its well-known position concerning those family-planning methods which the Catholic Church considers morally unacceptable or on family-planning services which do not respect the liberty of the spouses, human dignity and the human rights of those concerned.
- “3. With reference to all international agreements, the Holy See reserves its position in this regard, in particular on any existing agreements mentioned in this Programme of Action, consistent with its acceptance or non-acceptance of them.
- “4. With reference to the term ‘couples and individuals’, the Holy See reserves its position with the understanding that this term is to mean married couples and the individual man and woman who constitute the couple. The document, especially in its use of this term, remains marked by an individualistic understanding of sexuality which does not give due attention to the mutual love and decision-making that characterises the conjugal relationship.
- “5. With reference to chapter V, the Holy See interprets this chapter in the light of principle 9, that is, in terms of the duty to strengthen the family, the basic unit of society, and in terms of marriage as an equal partnership between husband and wife.

“6. The Holy See places general reservations on chapters VII, VIII, XI, XII, XIII, XIV, XV and XVI. This reservation is to be interpreted in terms of the statement made by the delegation in the plenary meeting of the Conference on 13 September 1994. We request that this general reservation be noted in each of the above-mentioned chapters.”

The representative of the Islamic Republic of Iran submitted the following written statement:

“The Programme of Action, although it has some positive elements, does not take into account the role of religion and religious systems in the mobilisation of development capabilities. It suffices for us to know that Islam, for example, makes it the duty of every Muslim to satisfy the essential needs of the community and also imposes the duty of showing gratitude for benefits by utilising them in the best possible way, as well as the duties of justice and balance.

“We therefore believe that the United Nations should convene symposiums to study this matter.

“There are some expressions that could be interpreted as applying to sexual relations outside the framework of marriage, and this is totally unacceptable. The use of the expression “individuals and couples” and the contents of principle 8 demonstrate this point. We have reservations regarding all such references in the document.

“We believe that sexual education for adolescents can only be productive if the material is appropriate and if such education is provided by the parents and aimed at preventing moral deviation and physiological diseases.”

The representative of Malta submitted the following written statement:

### **“Reservations on chapter VII**

“In joining the consensus, the delegation of Malta would like to state:

“The delegation of Malta reserves its position on the title and provisions of this chapter and in particular on the use of such terms as “reproductive health”, “reproductive rights” and “regulation of fertility” in this chapter and in other parts of the document.

“The interpretation given by Malta is consistent with its national legislation, which considers the termination of pregnancy through induced abortion as illegal.

“Furthermore the delegation of Malta reserves its position on the provisions of paragraph 7.2, in particular on “international human rights documents and other relevant United Nations consensus documents”, consistent with its previous acceptance or non-acceptance of them.

“Reservations on chapter VIII, paragraph 8.25

“In joining the consensus, the delegation of Malta would like to state:

“The termination of pregnancy through procedures of induced abortion is illegal in Malta. The delegation of Malta therefore cannot accept without reservation that part of paragraph 8.25 which provides for ‘circumstances in which abortion is not against the law’.

“Furthermore the delegation of Malta reserves its position on the wording “such abortion should be safe” since it feels that this phrase could lend itself to multiple interpretations, implying among other things, that abortion can be completely free of medical and other psychological risks, while ignoring altogether the rights of the unborn.”

The representative of Peru submitted the following written statement:

“The delegation of Peru will join in the agreement on the Programme of Action. In its opinion, the negotiations which are culminating today in the adoption of the Programme of Action have also demonstrated that positions diverge on some of the substantive concepts of the Programme and that the international community clearly wishes to reach agreements which we hope will benefit everyone; we welcome this attempt to reach consensus.



“However, the Government of Peru wishes to place on record the following points:

- “1. The main lines of the Programme of Action will be implemented in Peru under the Constitution and laws of the Republic and, inter alia, under the international human rights treaties and the Convention on the Rights of the Child, which have been duly approved and ratified by Peru.
- “2. We must mention in this context article 2 of the Constitution, which accords to everyone the right to life from the moment of conception; abortion is rightly classified as a crime in the Criminal Code of Peru, with the sole exception of therapeutic abortion.
- “3. Peru regards abortion as a public health problem to be tackled mainly by means of education and family planning programmes. Accordingly, the Constitution acknowledges the fundamental role played by the family and parents in the form of responsible paternity and maternity, which is nothing more than the right of parents to choose freely and voluntarily the number and the spacing of their children. The same applies to their chosen method of family planning, provided that it does not place life at risk.
- “4. The Programme of Action contains concepts such as ‘reproductive health’, ‘reproductive rights’ and ‘fertility regulation’, which in the opinion of the Peruvian Government require more precise definition, with the total exclusion of abortion on the ground that it is inconsistent with the right to life.

“We should be grateful if this interpretative reservation on the Programme of Action could be duly placed on record.

“Finally, we wish to endorse the congratulations and thanks expressed by other delegations.”

## Notes

1. Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992, vol. I, Resolutions Adopted by the Conference (United Nations publication, Sales No. E.93.I.8 and corrigenda), resolution 1, annex II.
2. The source for the population figures in paragraphs 1.3 and 1.4 is World Population Prospects: The 1994 Revision (United Nations publication, forthcoming).
3. See Report of the United Nations World Population Conference, Bucharest, 19-30 August 1974 (United Nations publication, Sales No. E.75.XIII.3).
4. See Report of the International Conference on Population, Mexico City, 6-14 August 1984 (United Nations publication, Sales No. E.84.XIII.8 and corrigenda).
5. See Report of the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, Nairobi, 15-26 July 1985 (United Nations publication, Sales No. E.85.IV.10).
6. See First Call for Children (New York, United Nations Children’s Fund, 1990).
7. See Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992 (United Nations publication, Sales No. E.93.I.8 and corrigenda).
8. See The Final Report of the International Conference on Nutrition, Rome, 5-11 December 1992 (Rome, Food and Agriculture Organisation of the United Nations, 1993).
9. See Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/24 (Part I)).
10. General Assembly resolution 47/75.
11. General Assembly resolution 48/163.
12. See Report of the Global Conference on the Sustainable Development of Small Island Developing States, Bridgetown, Barbados, 25 April-6 May 1994 (United Nations publication, Sales No. 94.I.18 and corrigenda).



13. General Assembly resolution 44/82.
14. General Assembly resolution 47/92.
15. Resolutions 36/8 and 37/7 of the Commission on the Status of Women (Official Records of the Economic and Social Council, 1992, Supplement No. 4 (E/1992/24), chap. I, sect. C, and *ibid.*, 1993, Supplement No. 7 (E/1993/27), chap. I, sect. C).
16. General Assembly resolution 45/199, annex.
17. See Report of the Second United Nations Conference on the Least Developed Countries, Paris, 3-14 September 1990 (A/CONF.147/18), part one.
18. General Assembly resolution 46/151, annex, sect. II.
19. Children, as appropriate, adolescents, women, the aged, the disabled, indigenous people, rural populations, urban populations, migrants, refugees, displaced persons and slum-dwellers.
20. Unsafe abortion is defined as a procedure for terminating an unwanted pregnancy either by persons lacking the necessary skills or in an environment lacking the minimal medical standards or both (based on World Health Organisation, *The Prevention and Management of Unsafe Abortion*, Report of a Technical Working Group, Geneva, April 1992 (WHO/MSM/92.5)).
21. Safe motherhood aims at attaining optimal maternal and newborn health. It implies reduction of maternal mortality and morbidity and enhancement of the health of newborn infants through equitable access to primary health care, including family planning, prenatal, delivery and post-natal care for the mother and infant, and access to essential obstetric and neonatal care (World Health Organisation, *Health Population and Development*, WHO Position Paper, Geneva, 1994 (WHO/FHE/94.1)).
22. Which could include children, adolescents, women, the aged, the disabled, indigenous people, rural populations, urban populations, migrants, refugees, displaced persons and slum-dwellers.

## **convention on the elimination of all forms of discrimination against women, 1981**

G.A. res. 34/180, 34 U.N. GAOR Supp. (No. 46) at 193, U.N. Doc. A/34/46, entered into force Sept. 3, 1981.

The States Parties to the present Convention,

Noting that the Charter of the United Nations reaffirms faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women,

Noting that the Universal Declaration of Human Rights affirms the principle of the inadmissibility of discrimination and proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, including distinction based on sex,

Noting that the States Parties to the International Covenants on Human Rights have the obligation to ensure the equal rights of men and women to enjoy all economic, social, cultural, civil and political rights,

Considering the international conventions concluded under the auspices of the United Nations and the specialised agencies promoting equality of rights of men and women,

Noting also the resolutions, declarations and recommendations adopted by the United Nations and the specialised agencies promoting equality of rights of men and women,

Concerned, however, that despite these various instruments extensive discrimination against women continues to exist,

Recalling that discrimination against women violates the principles of equality of rights and respect for human dignity, is an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural life of their countries, hampers the growth of the prosperity of society and the family and makes more difficult the full development of the potentialities of women in the service of their countries and of humanity,

Concerned that in situations of poverty women have the least access to food, health, education, training and opportunities for employment and other needs,

Convinced that the establishment of the new international economic order based on equity and justice will contribute significantly towards the promotion of equality between men and women,

Emphasising that the eradication of apartheid, all forms of racism, racial discrimination, colonialism, neo-colonialism, aggression, foreign occupation and domination and interference in the internal affairs of States is essential to the full enjoyment of the rights of men and women,

Affirming that the strengthening of international peace and security, the relaxation of international tension, mutual co-operation among all States irrespective of their social and economic systems, general and complete disarmament, in particular nuclear disarmament under strict and effective international control, the affirmation of the principles of justice, equality and mutual benefit in relations among countries and the realisation of the right of peoples under alien and colonial domination and foreign occupation to self-determination and independence, as well as respect for national sovereignty and territorial integrity, will promote social progress

and development and as a consequence will contribute to the attainment of full equality between men and women,

Convinced that the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields,

Bearing in mind the great contribution of women to the welfare of the family and to the development of society, so far not fully recognised, the social significance of maternity and the role of both parents in the family and in the upbringing of children, and aware that the role of women in procreation should not be a basis for discrimination but that the upbringing of children requires a sharing of responsibility between men and women and society as a whole,

Aware that a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality between men and women,

Determined to implement the principles set forth in the Declaration on the Elimination of Discrimination against Women and, for that purpose, to adopt the measures required for the elimination of such discrimination in all its forms and manifestations,

Have agreed on the following:

## PART I

### *Article 1*

For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

### *Article 2*

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

- (a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realisation of this principle;
- (b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;
- (c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;
- (d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;
- (e) To take all appropriate measures to eliminate discrimination against women by any person, organisation or enterprise;
- (f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;
- (g) To repeal all national penal provisions which constitute discrimination against women.

### *Article 3*

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for

## domestic violence and the law

the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

### *Article 4*

1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.
2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

### *Article 5*

States Parties shall take all appropriate measures:

- (a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;
- (b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

### *Article 6*

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

## **PART II**

### *Article 7*

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

- (a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;
- (b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;
- (c) To participate in non-governmental organisations and associations concerned with the public and political life of the country.

### *Article 8*

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organisations.

### *Article 9*

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.
2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

## PART III

### *Article 10*

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

- (a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;
- (b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;
- (c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;
- (d) The same opportunities to benefit from scholarships and other study grants;
- (e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;
- (f) The reduction of female student drop-out rates and the organisation of programmes for girls and women who have left school prematurely;
- (g) The same Opportunities to participate actively in sports and physical education;
- (h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

### *Article 11*

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:
  - (a) The right to work as an inalienable right of all human beings;
  - (b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;
  - (c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;
  - (d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;
  - (e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;
  - (f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.
2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:
  - (a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;

- (b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;
  - (c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;
  - (d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.
3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

*Article 12*

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.
2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

*Article 13*

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- (a) The right to family benefits;
- (b) The right to bank loans, mortgages and other forms of financial credit;
- (c) The right to participate in recreational activities, sports and all aspects of cultural life.

*Article 14*

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetised sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.
2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:
  - (a) To participate in the elaboration and implementation of development planning at all levels;
  - (b) To have access to adequate health care facilities, including information, counselling and services in family planning;
  - (c) To benefit directly from social security programmes;
  - (d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;
  - (e) To organise self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self employment;
  - (f) To participate in all community activities;
  - (g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;



- (h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

## PART IV

### *Article 15*

1. States Parties shall accord to women equality with men before the law.
2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.
3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.
4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

### *Article 16*

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:
  - (a) The same right to enter into marriage;
  - (b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;
  - (c) The same rights and responsibilities during marriage and at its dissolution;
  - (d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;
  - (e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;
  - (f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;
  - (g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;
  - (h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.
2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

## PART V

### *Article 17*

1. For the purpose of considering the progress made in the implementation of the present Convention, there shall be established a Committee on the Elimination of Discrimination against Women (hereinafter referred to as the Committee) consisting, at the time of entry into force of the Convention, of eighteen and, after ratification of or accession to the Convention by the thirty-fifth State Party, of twenty-three experts of high moral standing and competence in the field covered by the Convention. The experts

shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution and to the representation of the different forms of civilisation as well as the principal legal systems.

2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.
3. The initial election shall be held six months after the date of the entry into force of the present Convention. At least three months before the date of each election the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within two months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.
4. Elections of the members of the Committee shall be held at a meeting of States Parties convened by the Secretary-General at United Nations Headquarters. At that meeting, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.
5. The members of the Committee shall be elected for a term of four years. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these nine members shall be chosen by lot by the Chairman of the Committee.
6. The election of the five additional members of the Committee shall be held in accordance with the provisions of paragraphs 2, 3 and 4 of this article, following the thirty-fifth ratification or accession. The terms of two of the additional members elected on this occasion shall expire at the end of two years, the names of these two members having been chosen by lot by the Chairman of the Committee.
7. For the filling of casual vacancies, the State Party whose expert has ceased to function as a member of the Committee shall appoint another expert from among its nationals, subject to the approval of the Committee.
8. The members of the Committee shall, with the approval of the General Assembly, receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide, having regard to the importance of the Committee's responsibilities.
9. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

#### *Article 18*

1. States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of the present Convention and on the progress made in this respect:
  - (a) Within one year after the entry into force for the State concerned;
  - (b) Thereafter at least every four years and further whenever the Committee so requests.
2. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Convention.

#### *Article 19*

1. The Committee shall adopt its own rules of procedure.
2. The Committee shall elect its officers for a term of two years.

#### *Article 20*

1. The Committee shall normally meet for a period of not more than two weeks annually in order to consider the reports submitted in accordance with article 18 of the present Convention.

2. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee.

#### *Article 21*

1. The Committee shall, through the Economic and Social Council, report annually to the General Assembly of the United Nations on its activities and may make suggestions and general recommendations based on the examination of reports and information received from the States Parties. Such suggestions and general recommendations shall be included in the report of the Committee together with comments, if any, from States Parties.
2. The Secretary-General of the United Nations shall transmit the reports of the Committee to the Commission on the Status of Women for its information.

#### *Article 22*

The specialised agencies shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their activities. The Committee may invite the specialised agencies to submit reports on the implementation of the Convention in areas falling within the scope of their activities.

## **PART VI**

#### *Article 23*

Nothing in the present Convention shall affect any provisions that are more conducive to the achievement of equality between men and women which may be contained:

- (a) In the legislation of a State Party; or
- (b) In any other international convention, treaty or agreement in force for that State.

#### *Article 24*

States Parties undertake to adopt all necessary measures at the national level aimed at achieving the full realisation of the rights recognised in the present Convention.

#### *Article 25*

1. The present Convention shall be open for signature by all States.
2. The Secretary-General of the United Nations is designated as the depositary of the present Convention.
3. The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
4. The present Convention shall be open to accession by all States. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

#### *Article 26*

1. A request for the revision of the present Convention may be made at any time by any State Party by means of a notification in writing addressed to the Secretary-General of the United Nations.
2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such a request.

#### *Article 27*

1. The present Convention shall enter into force on the thirtieth day after the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.

## domestic violence and the law

2. For each State ratifying the present Convention or acceding to it after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or accession.

### *Article 28*

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.
2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.
3. Reservations may be withdrawn at any time by notification to this effect addressed to the Secretary-General of the United Nations, who shall then inform all States thereof. Such notification shall take effect on the date on which it is received.

### *Article 29*

1. Any dispute between two or more States Parties concerning the interpretation or application of the present Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organisation of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.
2. Each State Party may at the time of signature or ratification of the present Convention or accession thereto declare that it does not consider itself bound by paragraph 1 of this article. The other States Parties shall not be bound by that paragraph with respect to any State Party which has made such a reservation.
3. Any State Party which has made a reservation in accordance with paragraph 2 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

### **Article 30**

The present Convention, the Arabic, Chinese, English, French, Russian and Spanish texts of which are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned, duly authorised, have signed the present Convention.

# **beijing declaration and platform for action, fourth world conference on women, 15 september 1995**

**A/CONF.177/20 (1995) and A/CONF.177/20/Add.1 (1995).**

Beijing Declaration and Platform for Action adopted by the Fourth World Conference on Women: Action for Equality, Development and Peace, Beijing, 15 September 1995

Chapter 1 Mission Statement

Chapter 2 Global Framework

Chapter 3 Critical Areas of Concern

Chapter 4 Strategic Objectives and Actions

Chapter 5 Institutional Arrangements

Chapter 6 Financial Arrangements

## **BEIJING DECLARATION**

1. We, the Governments, participating in the Fourth World Conference on Women,
2. Gathered here in Beijing, in September 1995, the year of the fiftieth anniversary of the founding of the United Nations,
3. Determined to advance the goals of equality, development and peace for all women everywhere in the interest of all humanity,
4. Acknowledging the voices of all women everywhere and taking note of the diversity of women and their roles and circumstances, honouring the women who paved the way and inspired by the hope present in the world's youth,
5. Recognise that the status of women has advanced in some important respects in the past decade but that progress has been uneven, inequalities between women and men have persisted and major obstacles remain, with serious consequences for the well-being of all people,
6. Also recognise that this situation is exacerbated by the increasing poverty that is affecting the lives of the majority of the world's people, in particular women and children, with origins in both the national and international domains,
7. Dedicate ourselves unreservedly to addressing these constraints and obstacles and thus enhancing further the advancement and empowerment of women all over the world, and agree that this requires ur-

gent action in the spirit of determination, hope, cooperation and solidarity, now and to carry us forward into the next century.

reaffirm our commitment to:

8. The equal rights and inherent human dignity of women and men and other purposes and principles enshrined in the Charter of the United Nations, to the Universal Declaration of Human Rights and other international human rights instruments, in particular the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child, as well as the Declaration on the Elimination of Violence against Women and the Declaration on the Right to Development;
9. Ensure the full implementation of the human rights of women and of the girl child as an inalienable, integral and indivisible part of all human rights and fundamental freedoms;
10. Build on consensus and progress made at previous United Nations conferences and summits - on women in Nairobi in 1985, on children in New York in 1990, on environment and development in Rio de Janeiro in 1992, on human rights in Vienna in 1993, on population and development in Cairo in 1994 and on social development in Copenhagen in 1995 with the objectives of achieving equality, development and peace;
11. Achieve the full and effective implementation of the Nairobi Forward-looking Strategies for the Advancement of Women;
12. The empowerment and advancement of women, including the right to freedom of thought, conscience, religion and belief, thus contributing to the moral, ethical, spiritual and intellectual needs of women and men, individually or in community with others and thereby guaranteeing them the possibility of realising their full potential in society and shaping their lives in accordance with their own aspirations.

are convinced that:

13. Women's empowerment and their full participation on the basis of equality in all spheres of society, including participation in the decision-making process and access to power, are fundamental for the achievement of equality, development and peace;
14. Women's rights are human rights;
15. Equal rights, opportunities and access to resources, equal sharing of responsibilities for the family by men and women, and a harmonious partnership between them are critical to their well-being and that of their families as well as to the consolidation of democracy;
16. Eradication of poverty based on sustained economic growth, social development, environmental protection and social justice requires the involvement of women in economic and social development and equal opportunities and the full and equal participation of women and men as agents and beneficiaries of people-centred sustainable development;
17. The explicit recognition and reaffirmation of the right of all women to control all aspects of their health, in particular their own fertility, is basic to their empowerment;
18. Local, national, regional and global peace is attainable and is inextricably linked with the advancement of women, who are a fundamental force for leadership, conflict resolution and the promotion of lasting peace at all levels;
19. It is essential to design, implement and monitor, with the full participation of women, effective, efficient and mutually reinforcing gender-sensitive policies and programmes, including development policies and programmes, at all levels that will foster the empowerment and advancement of women;
20. The participation and contribution of all actors of civil society, particularly women's groups and networks and other non- governmental organisations and community-based organisations, with full respect for their autonomy, in cooperation with Governments, are important to the effective implementation and follow-up of the

## Platform for Action;

21. The implementation of the Platform for Action requires commitment from Governments and the international community. By making national and international commitments for action, including those made at the Conference, Governments and the international community recognise the need to take priority action for the empowerment and advancement of women.

## We are determined to:

22. Intensify efforts and actions to achieve the goals of the Nairobi Forward-looking Strategies for the Advancement of Women by the end of this century;
23. Ensure the full enjoyment by women and the girl child of all human rights and fundamental freedoms, and take effective action against violations of these rights and freedoms;
24. Take all necessary measures to eliminate all forms of discrimination against women and the girl child and remove all obstacles to gender equality and the advancement and empowerment of women;
25. Encourage men to participate fully in all actions towards equality;
26. Promote women's economic independence, including employment, and eradicate the persistent and increasing burden of poverty on women by addressing the structural causes of poverty through changes in economic structures, ensuring equal access for all women, including those in rural areas, as vital development agents, to productive resources, opportunities and public services;
27. Promote people-centred sustainable development, including sustained economic growth through the provision of basic education, life-long education, literacy and training, and primary health care for girls and women;
28. Take positive steps to ensure peace for the advancement of women and, recognising the leading role that women have played in the peace movement, work actively towards general and complete disarmament under strict and effective international control, and support negotiations on the conclusion, without delay, of a universal and multilaterally and effectively verifiable comprehensive nuclear-test-ban treaty which contributes to nuclear disarmament and the prevention of the proliferation of nuclear weapons in all its aspects;
29. Prevent and eliminate all forms of violence against women and girls;
30. Ensure equal access to and equal treatment of women and men in education and health care and enhance women's sexual and reproductive health as well as education;
31. Promote and protect all human rights of women and girls;
32. Intensify efforts to ensure equal enjoyment of all human rights and fundamental freedoms for all women and girls who face multiple barriers to their empowerment and advancement because of such factors as their race, age, language, ethnicity, culture, religion, or disability, or because they are indigenous people;
33. Ensure respect for international law, including humanitarian law, in order to protect women and girls in particular;
34. Develop the fullest potential of girls and women of all ages, ensure their full and equal participation in building a better world for all and enhance their role in the development process.

## We are determined to:

35. Ensure women's equal access to economic resources including land, credit, science and technology, vocational training, information, communication and markets, as a means to further the advancement and empowerment of women and girls, including through the enhancement of their capacities to enjoy the benefits of equal access to these resources, inter alia, by means of international cooperation;
36. Ensure the success of the Platform for Action which will require a strong commitment on the part of Governments, international organisations and institutions at all levels. We are deeply convinced that economic development, social development and environmental protection are interdependent and mu-



tually reinforcing components of sustainable development, which is the framework for our efforts to achieve a higher quality of life for all people. Equitable social development that recognises empowering the poor, particularly women living in poverty, to utilise environmental resources sustainably is a necessary foundation for sustainable development. We also recognise that broad-based and sustained economic growth in the context of sustainable development is necessary to sustain social development and social justice. The success of the Platform for Action will also require adequate mobilisation of resources at the national and international levels as well as new and additional resources to the developing countries from all available funding mechanisms, including multilateral, bilateral and private sources for the advancement of women; financial resources to strengthen the capacity of national, sub-regional, regional and international institutions; a commitment to equal rights, equal responsibilities and equal opportunities and to the equal participation of women and men in all national, regional and international bodies and policy-making processes; the establishment or strengthening of mechanisms at all levels for accountability to the world's women;

37. Ensure also the success of the Platform for Action in countries with economies in transition, which will require continued international cooperation and assistance;
38. We hereby adopt and commit ourselves as Governments to implement the following Platform for Action, ensuring that a gender perspective is reflected in all our policies and programmes. We urge the United Nations system, regional and international financial institutions, other relevant regional and international institutions and all women and men, as well as non-governmental organisations, with full respect for their autonomy, and all sectors of civil society, in cooperation with Governments, to fully commit themselves and contribute to the implementation of this Platform for Action.

### PLATFORM FOR ACTION

#### Chapter I

#### MISSION STATEMENT

1. The Platform for Action is an agenda for women's empowerment. It aims at accelerating the implementation of the Nairobi Forward-looking Strategies for the Advancement of Women 1/ and at removing all the obstacles to women's active participation in all spheres of public and private life through a full and equal share in economic, social, cultural and political decision-making. This means that the principle of shared power and responsibility should be established between women and men at home, in the workplace and in the wider national and international communities. Equality between women and men is a matter of human rights and a condition for social justice and is also a necessary and fundamental prerequisite for equality, development and peace. A transformed partnership based on equality between women and men is a condition for people-centred sustainable development. A sustained and long-term commitment is essential, so that women and men can work together for themselves, for their children and for society to meet the challenges of the twenty-first century.
2. The Platform for Action reaffirms the fundamental principle set forth in the Vienna Declaration and Programme of Action, 2/ adopted by the World Conference on Human Rights, that the human rights of women and of the girl child are an inalienable, integral and indivisible part of universal human rights. As an agenda for action, the Platform seeks to promote and protect the full enjoyment of all human rights and the fundamental freedoms of all women throughout their life cycle.
3. The Platform for Action emphasises that women share common concerns that can be addressed only by working together and in partnership with men towards the common goal of gender equality around the world. It respects and values the full diversity of women's situations and conditions and recognises that some women face particular barriers to their empowerment.
4. The Platform for Action requires immediate and concerted action by all to create a peaceful, just, humane and equitable world based on human rights and fundamental freedoms, including the principle of equality for all people of all ages and from all walks of life.
5. The Platform for Action requires immediate and concerted action by all to create a peaceful, just and humane world based on human rights and fundamental freedoms, including the principle of equality

for all people of all ages and from all walks of life, and to this end, recognises that broad-based and sustained economic growth in the context of sustainable development is necessary to sustain social development and social justice.

6. The success of the Platform for Action will require a strong commitment on the part of Governments, international organisations and institutions at all levels. It will also require adequate mobilisation of resources at the national and international levels as well as new and additional resources to the developing countries from all available funding mechanisms, including multilateral, bilateral and private sources for the advancement of women; financial resources to strengthen the capacity of national, sub-regional, regional and international institutions; a commitment to equal rights, equal responsibilities and equal opportunities and to the equal participation of women and men in all national, regional and international bodies and policy-making processes; and the establishment or strengthening of mechanisms at all levels for accountability to the world's women.

## Chapter II

### GLOBAL FRAMEWORK

6. The Fourth World Conference on Women: Action for Equality, Development and Peace is taking place as the world stands poised on the threshold of a new millennium.
7. The present Platform for Action upholds the Convention on the Elimination of All Forms of Discrimination against Women 3/ and builds upon the Nairobi Forward-looking Strategies for the Advancement of Women, as well as relevant resolutions adopted by the Economic and Social Council and the General Assembly. The formulation of the Platform for Action is aimed at establishing a basic group of priority actions that should be carried out during the next five years.
8. The Platform for Action recognises the importance of the agreements reached at the World Summit for Children, the United Nations Conference on Environment and Development, the World Conference on Human Rights, the International Conference on Population and Development and the World Summit for Social Development, which set out specific approaches and commitments to fostering sustainable development and international cooperation and to strengthening the role of the United Nations to that end. Similarly, the Global Conference on the Sustainable Development of Small Island Developing States, the International Conference on Nutrition, the International Conference on Primary Health Care and the World Conference on Education for All have addressed the various facets of development and human rights, within their specific perspectives, paying significant attention to the role of women and girls. In addition, the International Year for the World's Indigenous People, 4/ the International Year of the Family, 5/ the United Nations Year for Tolerance, 6/ the Geneva Declaration for Rural Women, 7/ and the Declaration on the Elimination of Violence against Women 8/ have also emphasised the issues of women's empowerment and equality.
9. The objective of the Platform for Action, which is in full conformity with the purposes and principles of the Charter of the United Nations and international law, is the empowerment of all women. The full realisation of all human rights and fundamental freedoms of all women is essential for the empowerment of women. While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms. The implementation of this Platform, including through national laws and the formulation of strategies, policies, programmes and development priorities, is the sovereign responsibility of each State, in conformity with all human rights and fundamental freedoms, and the significance of and full respect for various religious and ethical values, cultural backgrounds and philosophical convictions of individuals and their communities should contribute to the full enjoyment by women of their human rights in order to achieve equality, development and peace.

10. Since the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, held at Nairobi in 1985, and the adoption of the Nairobi Forward-looking Strategies for the Advancement of Women, the world has experienced profound political, economic, social and cultural changes, which have had both positive and negative effects on women.
11. The World Conference on Human Rights recognised that the human rights of women and the girl child are an inalienable, integral and indivisible part of universal human rights. The full and equal participation of women in political, civil, economic, social and cultural life at the national, regional and international levels, and the eradication of all forms of discrimination on the grounds of sex are priority objectives of the international community.
12. The World Conference on Human Rights reaffirmed the solemn commitment of all States to fulfil their obligations to promote universal respect for, and observance and protection of, all human rights and fundamental freedoms for all in accordance with the Charter of the United Nations, other instruments related to human rights and international law. The universal nature of these rights and freedoms is beyond question.
13. The end of the cold war has resulted in international changes and diminished competition between the super-Powers. The threat of a global armed conflict has diminished, while international relations have improved and prospects for peace among nations have increased. Although the threat of global conflict has been reduced, wars of aggression, armed conflicts, colonial or other forms of alien domination and foreign occupation, civil wars, terrorism and extremist violence continue to plague many parts of the world. Grave violations of the human rights of women occur, particularly in times of armed conflict, and include murder, torture, systematic rape, forced pregnancy and forced abortion, in particular under policies of "ethnic cleansing".
14. The maintenance of peace and security at the global, regional and local levels, together with the prevention of policies of aggression and ethnic cleansing and the resolution of armed conflict, is crucial for the protection of the human rights of women and girl children, as well as for the elimination of all forms of violence against them and of their use as a weapon of war.
15. Excessive military expenditures, including global military expenditures and arms trade or trafficking, and investments for arms production and acquisition have reduced the resources available for social development. As a result of the debt burden and other economic difficulties, many developing countries have undertaken structural adjustment policies. Moreover, there are structural adjustment programmes that have been poorly designed and implemented, with resulting detrimental effects on social development. The number of people living in poverty has increased disproportionately in most developing countries, particularly in the heavily indebted countries, during the last decade.
16. In this context, the social dimension of development should be emphasised. Accelerated economic growth, although necessary for social development, does not by itself improve the quality of life of the population. In some cases, conditions can arise which can aggravate social inequality and marginalisation. Hence, it is indispensable to search for new alternatives that ensure that all members of society benefit from economic growth based on a holistic approach to all aspects of development: growth, equality between women and men, social justice, conservation and protection of the environment, sustainability, solidarity, participation, peace and respect for human rights.
17. A world-wide movement towards democratisation has opened up the political process in many nations, but the popular participation of women in key decision-making as full and equal partners with men, particularly in politics, has not yet been achieved. South Africa's policy of institutionalised racism - apartheid - has been dismantled and a peaceful and democratic transfer of power has occurred. In Central and Eastern Europe the transition to parliamentary democracy has been rapid and has given rise to a variety of experiences, depending on the specific circumstances of each country. While the transition has been mostly peaceful, in some countries this process has been hindered by armed conflict that has resulted in grave violations of human rights.

18. Widespread economic recession, as well as political instability in some regions, has been responsible for setting back development goals in many countries. This has led to the expansion of unspeakable poverty. Of the more than 1 billion people living in abject poverty, women are an overwhelming majority. The rapid process of change and adjustment in all sectors has also led to increased unemployment and underemployment, with particular impact on women. In many cases, structural adjustment programmes have not been designed to minimise their negative effects on vulnerable and disadvantaged groups or on women, nor have they been designed to assure positive effects on those groups by preventing their marginalisation in economic and social activities. The Final Act of the Uruguay Round of multilateral trade negotiations 9/ underscored the increasing interdependence of national economies, as well as the importance of trade liberalisation and access to open, dynamic markets. There has also been heavy military spending in some regions. Despite increases in official development assistance (ODA) by some countries, ODA has recently declined overall.
19. Absolute poverty and the feminisation of poverty, unemployment, the increasing fragility of the environment, continued violence against women and the widespread exclusion of half of humanity from institutions of power and governance underscore the need to continue the search for development, peace and security and for ways of assuring people-centred sustainable development. The participation and leadership of the half of humanity that is female is essential to the success of that search. Therefore, only a new era of international cooperation among Governments and peoples based on a spirit of partnership, an equitable, international social and economic environment, and a radical transformation of the relationship between women and men to one of full and equal partnership will enable the world to meet the challenges of the twenty-first century.
20. Recent international economic developments have had in many cases a disproportionate impact on women and children, the majority of whom live in developing countries. For those States that have carried a large burden of foreign debt, structural adjustment programmes and measures, though beneficial in the long term, have led to a reduction in social expenditures, thereby adversely affecting women, particularly in Africa and the least developed countries. This is exacerbated when responsibilities for basic social services have shifted from Governments to women.
21. Economic recession in many developed and developing countries, as well as ongoing restructuring in countries with economies in transition, have had a disproportionately negative impact on women's employment.  
 Women often have no choice but to take employment that lacks long-term job security or involves dangerous working conditions, to work in unprotected home-based production or to be unemployed. Many women enter the labour market in under-remunerated and undervalued jobs, seeking to improve their household income; others decide to migrate for the same purpose. Without any reduction in their other responsibilities, this has increased the total burden of work for women.
22. Macro and microeconomic policies and programmes, including structural adjustment, have not always been designed to take account of their impact on women and girl children, especially those living in poverty. Poverty has increased in both absolute and relative terms, and the number of women living in poverty has increased in most regions. There are many urban women living in poverty; however, the plight of women living in rural and remote areas deserves special attention given the stagnation of development in such areas. In developing countries, even those in which national indicators have shown improvement, the majority of rural women continue to live in conditions of economic underdevelopment and social marginalisation.
23. Women are key contributors to the economy and to combating poverty through both remunerated and unremunerated work at home, in the community and in the workplace. Growing numbers of women have achieved economic independence through gainful employment.
24. One fourth of all households world wide are headed by women and many other households are dependent on female income even where men are present. Female-maintained households are very often among the poorest because of wage discrimination, occupational segregation patterns in the labour market and other gender-based barriers. Family disintegration, population movements between

urban and rural areas within countries, international migration, war and internal displacements are factors contributing to the rise of female-headed households.

25. Recognising that the achievement and maintenance of peace and security are a precondition for economic and social progress, women are increasingly establishing themselves as central actors in a variety of capacities in the movement of humanity for peace. Their full participation in decision-making, conflict prevention and resolution and all other peace initiatives is essential to the realisation of lasting peace.
- 25 bis. (former paragraph 31) Religion, spirituality and belief play a central role in the lives of millions of women and men, in the way they live and in the aspirations they have for the future. The right to freedom of thought, conscience and religion is inalienable and must be universally enjoyed. This right includes the freedom to have or to adopt the religion or belief of their choice either individually or in community with others, in public or in private, and to manifest their religion or belief in worship, observance, practice and teaching. In order to realise equality, development and peace, there is a need to fully respect these rights and freedoms. Religion, thought, conscience and belief may, and can, contribute to fulfilling women's and men's moral, ethical and spiritual needs and to realising their full potential in society. However, it is acknowledged that any form of extremism may have a negative impact on women and can lead to violence and discrimination.
26. The Fourth World Conference on Women: Action for Equality, Development and Peace should accelerate the process that formally began in 1975, which was proclaimed International Women's Year by the United Nations General Assembly. The Year was a turning-point in that it put women's issues on the agenda. The United Nations Decade for Women (1976-1985) was a world-wide effort to examine the status and rights of women and to bring women into decision-making at all levels. In 1979, the General Assembly adopted the Convention on the Elimination of All Forms of Discrimination against Women, which entered into force in 1981 and set an international standard for what was meant by equality between women and men. In 1985, the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace adopted the Nairobi Forward-looking Strategies for the Advancement of Women, to be implemented by the year 2000. There has been important progress in achieving equality between women and men.

Many Governments have enacted legislation to promote equality between women and men and have established national machineries to ensure the mainstreaming of gender perspectives in all spheres of society. International agencies have focused greater attention on women's status and roles.

27. The growing strength of the non-governmental sector, particularly women's organisations and feminist groups, has become a driving force for change. Non-governmental organisations have played an important advocacy role in advancing legislation or mechanisms to ensure the promotion of women. They have also become catalysts for new approaches to development. Many Governments have increasingly recognised the important role that non-governmental organisations play and the importance of working with them for progress. Yet, in some countries, Governments continue to restrict the ability of non-governmental organisations to operate freely. Women, through non-governmental organisations, have participated in and strongly influenced community, national, regional and global forums and international debates.
28. Since 1975, knowledge of the status of women and men, respectively, has increased and is contributing to further actions aimed at promoting equality between women and men. In several countries, there have been important changes in the relationships between women and men, especially where there have been major advances in education for women and significant increases in their participation in the paid labour force. The boundaries of the gender division of labour between productive and reproductive roles are gradually being crossed as women have started to enter formerly male-dominated areas of work and men have started to accept greater responsibility for domestic tasks, including child care. However, changes in women's roles have been greater and much more rapid than changes in men's roles. In many countries, the differences between women's and men's achievements and activities are still not recognised as the consequences of socially constructed gender roles rather than immutable biological differences.



29. Moreover, 10 years after the Nairobi Conference, equality between women and men has still not been achieved. On average, women represent a mere 10 per cent of all elected legislators world wide and in most national and international administrative structures, both public and private, they remain under-represented. The United Nations is no exception. Fifty years after its creation, the United Nations is continuing to deny itself the benefits of women's leadership by their under-representation at decision-making levels within the Secretariat and the specialised agencies.
30. Women play a critical role in the family. The family is the basic unit of society and as such should be strengthened. It is entitled to receive comprehensive protection and support. In different cultural, political and social systems, various forms of the family exist. The rights, capabilities and responsibilities of family members must be respected. Women make a great contribution to the welfare of the family and to the development of society, which is still not recognised or considered in its full importance. The social significance of maternity, motherhood and the role of parents in the family and in the upbringing of children should be acknowledged. The upbringing of children requires shared responsibility of parents, women and men and society as a whole. Maternity, motherhood, parenting and the role of women in procreation must not be a basis for discrimination nor restrict the full participation of women in society. Recognition should also be given to the important role often played by women in many countries in caring for other members of their family.
32. While the rate of growth of world population is on the decline, world population is at an all-time high in absolute numbers, with current increments approaching 86 million persons annually. Two other major demographic trends have had profound repercussions on the dependency ratio within families. In many developing countries, 45 to 50 per cent of the population is less than 15 years old, while in industrialised nations both the number and proportion of elderly people are increasing. According to United Nations projections, 72 per cent of the population over 60 years of age will be living in developing countries by the year 2025, and more than half of that population will be women. Care of children, the sick and the elderly is a responsibility that falls disproportionately on women, owing to lack of equality and the unbalanced distribution of remunerated and unremunerated work between women and men.
33. Many women face particular barriers because of various diverse factors in addition to their gender. Often these diverse factors isolate or marginalise such women. They are, inter alia, denied their human rights, they lack access or are denied access to education and vocational training, employment, housing and economic self-sufficiency and they are excluded from decision-making processes. Such women are often denied the opportunity to contribute to their communities as part of the mainstream.
34. The past decade has also witnessed a growing recognition of the distinct interests and concerns of indigenous women, whose identity, cultural traditions and forms of social organisation enhance and strengthen the communities in which they live. Indigenous women often face barriers both as women and as members of indigenous communities.
35. In the past 20 years, the world has seen an explosion in the field of communications. With advances in computer technology and satellite and cable television, global access to information continues to increase and expand, creating new opportunities for the participation of women in communications and the mass media and for the dissemination of information about women. On the other hand, the global communication networks have been used to spread stereotyped and demeaning images of women for narrow commercial and consumerist purposes. Until women participate equally in both the technical and decision-making areas of communications and the mass media, including the arts, they will continue to be misrepresented and awareness of the reality of women's lives will continue to be lacking. The media have a great potential to promote the advancement of women and the equality of women and men by portraying women and men in a non-stereotypical, diverse and balanced manner, and by respecting the dignity and worth of the human person.
36. Continuing environmental degradation that affects all human lives often has a more direct impact on women. Women's health and their livelihood are threatened by pollution and toxic wastes, large-scale

deforestation, desertification, drought and depletion of the soil and of coastal and marine resources, with a rising incidence of environmentally related health problems and even death reported among women and girls. Those most affected are rural and indigenous women, whose livelihood and daily subsistence depends directly on sustainable ecosystems.

37. Poverty and environmental degradation are closely interrelated. While poverty results in certain kinds of environmental stress, the major cause of the continued deterioration of the global environment is the unsustainable patterns of consumption and production, particularly in industrialised countries, which are a matter of grave concern and aggravate poverty and imbalances.
38. Global trends have brought profound changes in family survival strategies and structures. Rural to urban migration has increased substantially in all regions. The global urban population is projected to reach 47 per cent of the total population by the year 2000. An estimated 125 million people are migrants, refugees and displaced persons, half of whom live in developing countries. These massive movements of people have profound consequences for family structures and well-being and have unequal consequences for women and men, including in many cases the sexual exploitation of women.
39. According to World Health Organisation (WHO) estimates, by the beginning of 1995 the number of cumulative cases of acquired immunodeficiency syndrome (AIDS) was 4.5 million. An estimated 19.5 million men, women and children have been infected with the human immunodeficiency virus (HIV) since it was first diagnosed and it is projected that another 20 million will be infected by the end of the decade. Among new cases, women are twice as likely to be infected as men. In the early stage of the AIDS pandemic, women were not infected in large numbers; however, about 8 million women are now infected. Young women and adolescents are particularly vulnerable. It is estimated that by the year 2000 more than 13 million women will be infected and 4 million women will have died from AIDS-related conditions. In addition, about 250 million new cases of sexually transmitted diseases are estimated to occur every year. The rate of transmission of sexually transmitted diseases, including HIV/AIDS, is increasing at an alarming rate among women and girls, especially in developing countries.
40. Since 1975, significant knowledge and information has been generated about the status of women and the conditions in which they live. Throughout their entire life cycle, women's daily existence and long-term aspirations are restricted by discriminatory attitudes, unjust social and economic structures, and a lack of resources in most countries that prevent their full and equal participation. In a number of countries, the practice of prenatal sex selection, higher rates of mortality among very young girls and lower rates of school enrolment for girls as compared with boys suggest that "son preference" is curtailing the access of girl children to food, education and health care and even life itself. Discrimination against women begins at the earliest stages of life and must therefore be addressed from then onwards.
41. The girl child of today is the woman of tomorrow. The skills, ideas and energy of the girl child are vital for full attainment of the goals of equality, development and peace. For the girl child to develop her full potential she needs to be nurtured in an enabling environment, where her spiritual, intellectual and material needs for survival, protection and development are met and her equal rights safeguarded. If women are to be equal partners with men, in every aspect of life and development, now is the time to recognise the human dignity and worth of the girl child and to ensure the full enjoyment of her human rights and fundamental freedoms, including the rights assured by the Convention on the Rights of the Child, universal ratification of which is strongly urged. Yet there exists world-wide evidence that discrimination and violence against girls begin at the earliest stages of life and continue unabated throughout their lives. They often have less access to nutrition, physical and mental health care and education and enjoy fewer rights, opportunities and benefits of childhood and adolescence than do boys. They are often subjected to various forms of sexual and economic exploitation, paedophilia, forced prostitution and possibly the sale of their organs and tissues, violence and harmful practices such as female infanticide and prenatal sex selection, incest, female genital mutilation and early marriage, including child marriage.



42. Half the world's population is under the age of 25 and most of the world's youth - more than 85 per cent - live in developing countries. Policy makers must recognise the implications of these demographic factors. Special measures must be taken to ensure that young women have the life skills necessary for active and effective participation in all levels of social, cultural, political and economic leadership. It will be critical for the international community to demonstrate a new commitment to the future - a commitment to inspiring a new generation of women and men to work together for a more just society. This new generation of leaders must accept and promote a world in which every child is free from injustice, oppression and inequality and free to develop her/his own potential. The principle of equality of women and men must therefore be integral to the socialisation process.

### Chapter III

#### CRITICAL AREAS OF CONCERN

43. The advancement of women and the achievement of equality between women and men are a matter of human rights and a condition for social justice and should not be seen in isolation as a women's issue. They are the only way to build a sustainable, just and developed society. Empowerment of women and equality between women and men are prerequisites for achieving political, social, economic, cultural and environmental security among all peoples.
44. Most of the goals set out in the Nairobi Forward-looking Strategies for the Advancement of Women have not been achieved. Barriers to women's empowerment remain, despite the efforts of Governments, as well as non-governmental organisations and women and men everywhere. Vast political, economic and ecological crises persist in many parts of the world. Among them are wars of aggression, armed conflicts, colonial or other forms of alien domination or foreign occupation, civil wars and terrorism. These situations, combined with systematic or de facto discrimination, violations of and failure to protect all human rights and fundamental freedoms of all women, and their civil, cultural, economic, political and social rights, including the right to development and ingrained prejudicial attitudes towards women and girls are but a few of the impediments encountered since the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, in 1985.
45. A review of progress since the Nairobi Conference highlights special concerns - areas of particular urgency that stand out as priorities for action. All actors should focus action and resources on the strategic objectives relating to the critical areas of concern which are, necessarily, interrelated, interdependent and of high priority. There is a need for these actors to develop and implement mechanisms of accountability for all the areas of concern.
46. To this end, Governments, the international community and civil society, including non-governmental organisations and the private sector, are called upon to take strategic action in the following critical areas of concern:
- The persistent and increasing burden of poverty on women
  - Inequalities and inadequacies in and unequal access to education and training
  - Inequalities and inadequacies in and unequal access to health care and related services
  - Violence against women
  - The effects of armed or other kinds of conflict on women, including those living under foreign occupation
  - Inequality in economic structures and policies, in all forms of productive activities and in access to resources
  - Inequality between men and women in the sharing of power and decision-making at all levels

- Insufficient mechanisms at all levels to promote the advancement of women
- Lack of respect for and inadequate promotion and protection of the human rights of women
- Stereotyping of women and inequality in women's access to and participation in all communication systems, especially in the media
- Gender inequalities in the management of natural resources and in the safeguarding of the environment
- Persistent discrimination against and violation of the rights of the girl child

### **Chapter IV**

#### **STRATEGIC OBJECTIVES AND ACTIONS**

47. In each critical area of concern, the problem is diagnosed and strategic objectives are proposed with concrete actions to be taken by various actors in order to achieve those objectives. The strategic objectives are derived from the critical areas of concern and specific actions to be taken to achieve them cut across boundaries of equality, development and peace - the goals of the Nairobi Forward-looking Strategies for the Advancement of Women - and reflect their interdependence. The objectives and actions are interlinked, of high priority and mutually reinforcing. The Platform for Action is intended to improve the situation of all women, without exception, who often face similar barriers while special attention should be given to groups that are the most disadvantaged.
48. The Platform for Action recognises that women face barriers to full equality and advancement because of such factors as their race, age, language, ethnicity, culture, religion or disability, because they are indigenous women or because of other status. Many women encounter specific obstacles related to their family status, particularly as single parents; and to their socio-economic status, including their living conditions in rural, isolated or impoverished areas. Additional barriers also exist for refugee women, other displaced women, including internally displaced women as well as for immigrant women and migrant women, including women migrant workers. Many women are also particularly affected by environmental disasters, serious and infectious diseases and various forms of violence against women.

#### **A. Women and poverty**

49. More than 1 billion people in the world today, the great majority of whom are women, live in unacceptable conditions of poverty, mostly in the developing countries. Poverty has various causes, including structural ones. Poverty is a complex, multidimensional problem, with origins in both the national and international domains. The globalisation of the world's economy and the deepening interdependence among nations present challenges and opportunities for sustained economic growth and development, as well as risks and uncertainties for the future of the world economy. The uncertain global economic climate has been accompanied by economic restructuring as well as, in a certain number of countries, persistent, unmanageable levels of external debt and structural adjustment programmes. In addition, all types of conflict, displacement of people and environmental degradation have undermined the capacity of Governments to meet the basic needs of their populations. The global transformations of the world economy are profoundly changing the parameters of social development in all countries. One significant trend has been the increased poverty of women, the extent of which varies from region to region. The gender disparities in economic power-sharing are also an important contributing factor to the poverty of women. Migration and consequent changes in family structures have placed additional burdens on women, especially those who provide for several dependants. Macroeconomic policies need rethinking and reformulation to address such trends. These policies focus almost exclusively on the formal sector. They also tend to impede the initiatives of women and fail to consider the differential impact on women and men. The application of gender analysis to a wide range of policies and programmes is therefore critical to poverty reduction strategies. In order to eradicate poverty and achieve sustainable development, women and men must participate fully and equally in the formulation of macroeconomic

and social policies and strategies for the eradication of poverty. The eradication of poverty cannot be accomplished through anti-poverty programmes alone but will require democratic participation and changes in economic structures in order to ensure access for all women to resources, opportunities and public services. Poverty has various manifestations, including lack of income and productive resources sufficient to ensure a sustainable livelihood; hunger and malnutrition; ill health; limited or lack of access to education and other basic services; increasing morbidity and mortality from illness; homelessness and inadequate housing; unsafe environments; and social discrimination and exclusion. It is also characterised by lack of participation in decision-making and in civil, social and cultural life. It occurs in all countries - as mass poverty in many developing countries and as pockets of poverty amidst wealth in developed countries. Poverty may be caused by an economic recession that results in loss of livelihood or by disaster or conflict. There is also the poverty of low-wage workers and the utter destitution of people who fall outside family support systems, social institutions and safety nets.

50. In the past decade the number of women living in poverty has increased disproportionately to the number of men, particularly in the developing countries. The feminisation of poverty has also recently become a significant problem in the countries with economies in transition as a short-term consequence of the process of political, economic and social transformation. In addition to economic factors, the rigidity of socially ascribed gender roles and women's limited access to power, education, training and productive resources as well as other emerging factors that may lead to insecurity for families are also responsible. The failure to adequately mainstream a gender perspective in all economic analysis and planning and to address the structural causes of poverty is also a contributing factor.
51. Women contribute to the economy and to combating poverty through both remunerated and unremunerated work at home, in the community and in the workplace. The empowerment of women is a critical factor in the eradication of poverty.
52. While poverty affects households as a whole, because of the gender division of labour and responsibilities for household welfare, women bear a disproportionate burden, attempting to manage household consumption and production under conditions of increasing scarcity. Poverty is particularly acute for women living in rural households.
53. Women's poverty is directly related to the absence of economic opportunities and autonomy, lack of access to economic resources, including credit, land ownership and inheritance, lack of access to education and supportservices and their minimal participation in the decision-making process. Poverty can also force women into situations in which they are vulnerable to sexual exploitation.
54. In too many countries, social welfare systems do not take sufficient account of the specific conditions of women living in poverty, and there is a tendency to scale back the services provided by such systems. The risk of falling into poverty is greater for women than for men, particularly in old age, where social security systems are based on the principle of continuous remunerated employment. In some cases, women do not fulfil this requirement because of interruptions in their work, due to the unbalanced distribution of remunerated and unremunerated work. Moreover, older women also face greater obstacles to labour-market re-entry.
55. In many developed countries, where the level of general education and professional training of women and men are similar and where systems of protection against discrimination are available, in some sectors the economic transformations of the past decade have strongly increased either the unemployment of women or the precarious nature of their employment. The proportion of women among the poor has consequently increased. In countries with a high level of school enrolment of girls, those who leave the educational system the earliest, without any qualification, are among the most vulnerable in the labour market.
56. In countries with economies in transition and in other countries undergoing fundamental political, economic and social transformations, these transformations have often led to a reduction in women's income or to women being deprived of income.

57. Particularly in developing countries, the productive capacity of women should be increased through access to capital, resources, credit, land, technology, information, technical assistance and training so as to raise their income and improve nutrition, education, health care and status within the household. The release of women's productive potential is pivotal to breaking the cycle of poverty so that women can share fully in the benefits of development and in the products of their own labour.
58. Sustainable development and economic growth that is both sustained and sustainable are possible only through improving the economic, social, political, legal and cultural status of women. Equitable social development that recognises empowering the poor, particularly women, to utilise environmental resources sustainably is a necessary foundation for sustainable development.
59. The success of policies and measures aimed at supporting or strengthening the promotion of gender equality and the improvement of the status of women should be based on the integration of the gender perspective in general policies relating to all spheres of society as well as the implementation of positive measures with adequate institutional and financial support at all levels.

Strategic objective A.1. Review, adopt and maintain macroeconomic policies and development strategies that address the needs and efforts of women in poverty Actions to be taken

60. By Governments:
  - (a) Review and modify, with the full and equal participation of women, macroeconomic and social policies with a view to achieving the objectives of the Platform for Action;
  - (b) Analyse, from a gender perspective, policies and programmes - including those related to macroeconomic stability, structural adjustment, external debt problems, taxation, investments, employment, markets and all relevant sectors of the economy - with respect to their impact on poverty, on inequality and particularly on women; assess their impact on family well-being and conditions, and adjust them, as appropriate, to promote more equitable distribution of productive assets, wealth, opportunities, income and services;
  - (c) Pursue and implement sound and stable macroeconomic and sectoral policies that are designed and monitored with the full and equal participation of women, encourage broad-based sustained economic growth, address the structural causes of poverty and are geared towards eradicating poverty and reducing gender-based inequality within the overall framework of achieving people-centred sustainable development;
  - (e) Restructure and target the allocation of public expenditures to promote women's economic opportunities and equal access to productive resources and to address the basic social, educational and health needs of women, particularly those living in poverty;
  - (f) Develop agricultural and fishing sectors, where and as necessary, in order to ensure, as appropriate, household and national food security and food self-sufficiency, by allocating the necessary financial, technical and human resources;
  - (g) Develop policies and programmes to promote equitable distribution of food within the household;
  - (h) Provide adequate safety nets and strengthen State-based and community-based support systems, as an integral part of social policy, in order to enable women living in poverty to withstand adverse economic environments and preserve their livelihood, assets and revenues in times of crisis;
  - (i) Generate economic policies that have a positive impact on the employment and income of women workers in both the formal and informal sectors and adopt specific measures to address women's unemployment, in particular their long-term unemployment;
  - (j) Formulate and implement, when necessary, specific economic, social, agricultural and related policies in support of female-headed households;

- (k) Develop and implement anti-poverty programmes, including employment schemes, that improve access to food for women living in poverty, including through the use of appropriate pricing and distribution mechanisms;
- (l) Ensure the full realisation of the human rights of all women migrants, including women migrant workers, and their protection against violence and exploitation;

introduce measures for the empowerment of documented women migrants, including women migrant workers, and facilitate the productive employment of documented migrant women through greater recognition of their skills, foreign education and credentials, and facilitate their full integration into the labour force;

- (m) Introduce measures to integrate or reintegrate women living in poverty and socially marginalised women into productive employment and the economic mainstream, ensure that internally displaced women have full access to economic opportunities, and that the qualifications and skills of immigrant and refugee women are recognised;
  - (n) Enable women to obtain affordable housing and access to land by, among other things, removing all obstacles to access, with special emphasis on meeting the needs of women, especially those living in poverty and female heads of household;
  - (p) Formulate and implement policies and programmes that enhance the access of women agricultural and fisheries producers (including subsistence farmers and producers, especially in rural areas) to financial, technical, extension and marketing services; provide access to and control of land, appropriate infrastructure and technology in order to increase women's incomes and promote household food security, especially in rural areas and, where appropriate, encourage the development of producer-owned, market-based cooperatives;
  - (q) Create social security systems wherever they do not exist, or review them with a view to placing individual women and men on an equal footing, at every stage of their lives;
  - (r) Ensure access to free or low-cost legal services, including legal literacy, especially designed to reach women living in poverty;
  - (s) Take particular measures to promote and strengthen policies and programmes for indigenous women with their full participation and respect for their cultural diversity, so that they have opportunities and the possibility of choice in the development process in order to eradicate the poverty that affects them.
61. By multilateral financial and development institutions, including the World Bank, the International Monetary Fund and regional development institutions, and through bilateral development cooperation:
- (a) In accordance with the commitments made at the World Summit for Social Development, seek to mobilise new and additional financial resources that are both adequate and predictable and mobilised in a way that maximises the availability of such resources and uses all available funding sources and mechanisms with a view to contributing towards the goal of poverty eradication and targeting women living in poverty.;
  - (b) Strengthen analytical capacity in order to more systematically strengthen gender perspectives and integrate them into the design and implementation of lending programmes, including structural adjustment and economic recovery programmes;
  - (c) Find effective development-oriented and durable solutions to external debt problems in order to help them to finance programmes and projects targeted at development, including the advancement of women, inter alia, through the immediate implementation of the terms of debt forgiveness agreed upon in the Paris Club in December 1994, which encompassed debt reduction, including cancellation or other debt relief measures and develop techniques of debt conversion applied to social development programmes and projects in conformity with Platform priorities;
  - (c) bis. Invite the international financial institutions to examine innovative approaches to assist low-income countries with a high proportion of multilateral debt, with a view to alleviating their debt burden.

- (d) Ensure that structural adjustment programmes are designed to minimise their negative effects on vulnerable and disadvantaged groups and communities and to assure their positive effects on such groups and communities by preventing their marginalisation in economic and social activities and devising measures to ensure that they gain access to and control over economic resources and economic and social activities; take actions to reduce inequality and economic disparity;
  - (e) Review the impact of structural adjustment programmes on social development by means of gender-sensitive social impact assessments and other relevant methods, in order to develop policies to reduce their negative effects and improve their positive impact, ensuring that women do not bear a disproportionate burden of transition costs; complement adjustment lending with enhanced, targeted social development lending;
  - (f) Create an enabling environment that allows women to build and maintain sustainable livelihoods.
62. By national and international non-governmental organisations and women's groups:
- (a) All parties involved in the development process, including academic institutions, non-governmental organisations and grass-roots and women's groups, mobilise to improve the effectiveness of anti-poverty programmes directed towards the poorest and most disadvantaged groups of women, such as rural and indigenous women, female heads of households, young women and older women, refugees and migrant women and women with disabilities, recognising that social development is primarily the responsibility of Governments;
  - (b) Engage in lobbying and establish monitoring mechanisms, as appropriate, and other relevant activities to ensure implementation of the recommendations on poverty eradication outlined in the Platform for Action and aimed at ensuring accountability and transparency from the State and private sectors;
  - (c) Include in their activities women with diverse needs;
- recognise that youth organisations are increasingly becoming effective partners in development programmes;
- (d) In cooperation with the Government and private sectors, participate in the development of a comprehensive national strategy for improving health, education and social services so that girls and women of all ages living in poverty have full access to such services. Seek funding to secure access to services with a gender perspective and to extend those services in order to reach the rural and remote areas that are not covered by government institutions;
  - (e) In cooperation with Governments, employers, other social partners and relevant parties, contribute to the development of education and training and retraining policies to ensure that women can acquire a wide range of skills to meet new demands;
  - (f) Mobilise to protect women's right to full and equal access to economic resources, including the right to inheritance and to ownership of land and other property, credit, natural resources and appropriate technologies.

Strategic objective A.2. Revise laws and administrative practices to ensure women's equal rights and access to economic resources Actions to be taken

63. By Governments:
- (a) Ensure access to free or low-cost legal services, including legal literacy, especially designed to reach women living in poverty;
  - (b) Undertake legislative and administrative reforms to give women full and equal access to economic resources, including the right to inheritance and to ownership of land and other property, credit, natural resources and appropriate technologies;
  - (c) Consider ratification of Convention No. 169 of the International Labour Organisation (ILO) as part of their efforts to promote and protect the rights of indigenous people.

Strategic objective A.3. Provide women with access to savings and credit mechanisms and institutions Actions to be taken



64. By Governments:
- (a) Enhance the access of disadvantaged women, including women entrepreneurs, in rural, remote and urban areas to financial services through strengthening links between the formal banks and intermediary lending organisations, including legislative support, training for women and institutional strengthening for intermediary institutions with a view to mobilising capital for those institutions and increasing the availability of credit;
  - (b) Encourage links between financial institutions and non-governmental organisations and support innovative lending practices, including those that integrate credit with women's services and training and provide credit facilities to rural women.
65. By commercial banks, specialised financial institutions and the private sector in examining their policies:
- (a) Use credit and savings methodologies that are effective in reaching women in poverty and innovative in reducing transaction costs and redefining risk;
  - (b) Open special windows for lending to women, including young women, who lack access to traditional sources of collateral;
  - (c) Simplify banking practices, for example by reducing the minimum deposit and other requirements for opening bank accounts;
  - (d) Ensure the participation and joint ownership, where possible, of women clients in the decision-making of institutions providing credit and financial services.
66. By multilateral and bilateral development cooperation organisations: Support, through the provision of capital and/or resources, financial institutions that serve low-income, small-scale and micro-scale women entrepreneurs and producers, in both the formal and informal sectors.
67. By Governments and multilateral financial institutions, as appropriate:  
Support institutions that meet performance standards in reaching large numbers of low-income women and men through capitalisation, refinancing and institutional development support in forms that foster self-sufficiency.
68. By international organisations:  
Increase funding for programmes and projects designed to promote sustainable and productive entrepreneurial activities for income-generation among disadvantaged women and women living in poverty.  
Strategic objective A.4. Develop gender-based methodologies and conduct research to address the feminisation of poverty Actions to be taken
69. By Governments, intergovernmental organisations, academic and research institutions and the private sector:
- (a) Develop conceptual and practical methodologies for incorporating gender perspectives into all aspects of economic policy-making, including structural adjustment planning and programmes;
  - (b) Apply these methodologies in conducting gender-impact analyses of all policies and programmes, including structural adjustment programmes, and disseminate the research findings.
70. By national and international statistical organisations:
- (a) Collect gender and age-disaggregated data on poverty and all aspects of economic activity and develop qualitative and quantitative statistical indicators to facilitate the assessment of economic performance from a gender perspective;
  - (b) Devise suitable statistical means to recognise and make visible the full extent of the work of women and all their contributions to the national economy, including their contribution in the unremunerated and domestic sectors, and examine the relationship of women's unremunerated work to the incidence of and their vulnerability to poverty.

## **B. Education and training of women**

71. Education is a human right and an essential tool for achieving the goals of equality, development and peace. Non-discriminatory education benefits both girls and boys, and thus ultimately contributes to more equal relationships between women and men. Equality of access to and attainment of educational qualifications is necessary if more women are to become agents of change. Literacy of women is an important key to improving health, nutrition and education in the family and to empowering women to participate in decision-making in society. Investing in formal and non-formal education and training for girls and women, with its exceptionally high social and economic return, has proved to be one of the best means of achieving sustainable development and economic growth that is both sustained and sustainable.
72. On a regional level, girls and boys have achieved equal access to primary education, except in some parts of Africa, in particular sub-Saharan Africa, and Central Asia, where access to education facilities is still inadequate. Progress has been made in secondary education, where equal access of girls and boys has been achieved in some countries. Enrolment of girls and women in tertiary education has increased considerably. In many countries, private schools have also played an important complementary role in improving access to education at all levels. Yet, more than five years after the World Conference on Education for All (Jomtien, Thailand, 1990) adopted the World Declaration on Education for All and the Framework for Action to Meet Basic Learning Needs, 11/ approximately 100 million children, including at least 60 million girls, are without access to primary schooling, and more than two thirds of the world's 960 million illiterate adults are women. The high rate of illiteracy prevailing in most developing countries, in particular in sub-Saharan Africa and some Arab States, remains a severe impediment to the advancement of women and to development.
73. Discrimination in girls' access to education persists in many areas, owing to customary attitudes, early marriages and pregnancies, inadequate and gender-biased teaching and educational materials, sexual harassment and lack of adequate and physically and otherwise accessible schooling facilities. Girls undertake heavy domestic work at a very early age. Girls and young women are expected to manage both educational and domestic responsibilities, often resulting in poor scholastic performance and early drop-out from the educational system. This has long-lasting consequences for all aspects of women's lives.
74. Creation of an educational and social environment, in which women and men, girls and boys, are treated equally and encouraged to achieve their full potential, respecting their freedom of thought, conscience, religion and belief, and where educational resources promote non-stereotyped images of women and men, would be effective in the elimination of the causes of discrimination against women and inequalities between women and men.
75. Women should be enabled to benefit from an ongoing acquisition of knowledge and skills beyond those acquired during youth. This concept of lifelong learning includes knowledge and skills gained in formal education and training, as well as learning that occurs in informal ways, including volunteer activity, unremunerated work and traditional knowledge.
76. Curricula and teaching materials remain gender-biased to a large degree, and are rarely sensitive to the specific needs of girls and women. This reinforces traditional female and male roles that deny women opportunities for full and equal partnership in society. Lack of gender awareness by educators at all levels strengthens existing inequities between males and females by reinforcing discriminatory tendencies and undermining girls' self-esteem. The lack of sexual and reproductive health education has a profound impact on women and men.
77. Science curricula in particular are gender-biased. Science textbooks do not relate to women's and girls' daily experience and fail to give recognition to women scientists. Girls are often deprived of basic education in mathematics and science and technical training, which provide knowledge they could apply to improve their daily lives and enhance their employment opportunities. Advanced study in science and technology prepares women to take an active role in the technological and industrial development of their countries, thus necessitating a diverse approach to vocational and technical training. Technology is rapidly changing the world and has also affected the developing countries. It is essential that women not only benefit from technology, but also participate in the process from the design to the application, monitoring and evaluation stages.

78. Access for and retention of girls and women at all levels of education, including the higher level, and all academic areas is one of the factors of their continued progress in professional activities. Nevertheless, it can be noted that girls are still concentrated in a limited number of fields of study.
79. The mass media are a powerful means of education. As an educational tool the mass media can be an instrument for educators and governmental and non-governmental institutions for the advancement of women and for development. Computerised education and information systems are increasingly becoming an important element in learning and dissemination of knowledge. Television especially has the greatest impact on young people and, as such, has the ability to shape values, attitudes and perceptions of women and girls in both positive and negative ways. It is therefore essential that educators teach critical judgement and analytical skills.
80. Resources allocated to education, particularly for girls and women, are in many countries insufficient and in some cases have been further diminished, including in the context of adjustment policies and programmes. Such insufficient resource allocations have a long-term adverse effect on human development, particularly on the development of women.
81. In addressing unequal access to and inadequate educational opportunities, Governments and other actors should promote an active and visible policy of mainstreaming a gender perspective into all policies and programmes, so that, before decisions are taken, an analysis is made of the effects on women and men, respectively.

Strategic objective B.1. Ensure equal access to education Actions to be taken

82. By Governments:

- (a) Advance the goal of equal access to education by taking measures to eliminate discrimination in education at all levels on the basis of gender, race, language, religion, national origin, age or disability, or any other form of discrimination and, as appropriate, consider establishing procedures to address grievances;
- (b) By the year 2000, universal access to basic education and completion of primary education by at least 80 per cent of primary school-age children;

closing the gender gap in primary and secondary school education by the year 2005;

universal primary education in all countries before the year 2015;

- (c) Eliminate gender disparities in access to all areas of tertiary education by ensuring that women have equal access to career development, training, scholarship and fellowship, and by adopting positive action when appropriate;
- (d) Create a gender-sensitive educational system in order to ensure equal educational and training opportunities and full and equal participation of women in educational administration and policy- and decision-making;
- (e) Provide - in collaboration with parents, non- governmental organisations, including youth organisations, communities and the private sector - young women with academic and technical training, career planning, leadership and social skills and work experience to prepare them to participate fully in society;
- (f) Increase enrolment and retention rates of girls by allocating appropriate budgetary resources and by enlisting the support of parents and the community, as well as through campaigns, flexible school schedules, incentives, scholarships and other means to minimise the costs of girls' education to their families and to facilitate parents' ability to choose education for the girl child; by ensuring that the rights of women and girls to freedom of conscience and religion are respected in educational institutions through repealing any discriminatory laws or legislation based on religion, race or culture;
- (g) Promote an educational setting that eliminates all barriers that impeded the schooling of pregnant adolescents and young mothers, including, as appropriate, affordable and physically accessible child-care facilities and parental education to encourage those who are responsible for the care of their children and siblings during their school years, to return to, or continue with and complete schooling;

- (h) Improve the quality of education and equal opportunities between women and men in terms of access to ensure that women of all ages can acquire knowledge, develop capacities, aptitudes and skills and ethical values needed to develop and participate fully under equal conditions in the process of social, economic and political development;
- (i) Make available non-discriminatory and gender-sensitive professional school counselling and career education programmes to encourage girls to pursue academic and technical curricula in order to widen their future career opportunities;
- (j) Encourage ratification of the International Covenant on Economic, Social and Cultural Rights 12/ where they have not already done so.

Strategic objective B.2. Eradicate illiteracy among women Actions to be taken

83. By Governments, national, regional and international bodies, bilateral and multilateral donors and non-governmental organisations:
- (a) Reduce the female illiteracy rate to at least half its 1990 level, with emphasis on rural women, migrant, refugee and internally displaced women and women with disabilities;
  - (b) Provide universal access to, and seek to ensure gender equality in the completion of, primary education for girls by the year 2000;
  - (c) Eliminate the gender gap in basic and functional literacy, as recommended in the World Declaration on Education for All (Jomtien);
  - (d) Narrow the disparities between developed and developing countries;
  - (e) Encourage adult and family engagement in learning to promote total literacy for all people;
  - (f) Promote together with literacy, life skills, scientific and technological knowledge and work towards an expansion of the definition of literacy, taking into account current targets and benchmarks.

Strategic objective B.3. Improve women's access to vocational training, science and technology, and continuing education

### **Actions to be taken**

84. By Governments, in cooperation with employers, workers and trade unions, international and non-governmental organisations, including women's and youth organisations, and educational institutions:
- (a) Develop and implement education, training and retraining policies for women, especially young women and women re-entering the labour market, to provide skills to meet the needs of a changing socio-economic context for improving their employment opportunities;
  - (b) Provide recognition to non-formal educational opportunities for girls and women in the educational system;
  - (c) Provide information to women and girls on the availability and benefits of vocational training, training programmes in science and technology and programmes of continuing education;
  - (d) Design educational and training programmes for women who are unemployed in order to provide them with new knowledge and skills that will enhance and broaden their employment opportunities, including self-employment, and development of their entrepreneurial skills;
  - (e) Diversify vocational and technical training and improve access for and retention of girls and women in education and vocational training in such fields as science, mathematics, engineering, environmental sciences and technology, information technology and high technology, as well as management training;
  - (f) Promote women's central role in food and agricultural research, extension and education programmes;

- (g) Encourage the adaptation of curricula and teaching materials, encourage a supportive training environment and take positive measures to promote training for the full range of occupational choices of non-traditional careers for women and men, including the development of multidisciplinary courses for science and mathematics teachers to sensitise them to the relevance of science and technology to women's lives;
- (h) Develop curricula and teaching materials and formulate and take positive measures to ensure women better access to and participation in technical and scientific areas, especially areas where they are not represented or are underrepresented;
- (i) Develop policies and programmes to encourage women to participate in all apprenticeship programmes;
- (j) Increase training in technical, managerial, agricultural extension and marketing areas for women in agriculture, fisheries, industry and business, arts and crafts, to increase income-generating opportunities, women's participation in economic decision-making, in particular through women's organisations at the grass-roots level, and their contribution to production, marketing, business, and science and technology;
- (k) Ensure access to quality education and training at all appropriate levels for adult women with little or no education, for women with disabilities and for documented migrant, refugee and displaced women to improve their work opportunities.

Strategic objective B.4. Develop non-discriminatory education and training

### **Actions to be taken**

85. By Governments, educational authorities and other educational and academic institutions:
- (a) Elaborate recommendations and develop curricula, textbooks and teaching aids free of gender-based stereotypes for all levels of education, including teacher training, in association with all concerned - publishers, teachers, public authorities and parents associations;
  - (b) Develop training programmes and materials for teachers and educators that raise awareness about the status, role and contribution of women and men in the in the family, as defined in paragraph 30, and society; in this context, promote equality, cooperation, mutual respect and shared responsibilities between girls and boys from pre-school level onward and develop, in particular, educational modules to ensure that boys have the skills necessary to take care of their own domestic needs and to share responsibility for their household and for the care of dependants;
  - (c) Develop training programmes and materials for teachers and educators that raise awareness of their own role in the educational process, with a view to providing them with effective strategies for gender-sensitive teaching;
  - (d) Take actions to ensure that female teachers and professors have the same opportunities as and equal status with male teachers and professors, in view of the importance of having female teachers at all levels and in order to attract girls to school and retain them in school;
  - (e) Introduce and promote training in peaceful conflict resolution;
  - (f) Take positive measures to increase the proportion of women gaining access to educational policy- and decision-making, particularly women teachers at all levels of education and in academic disciplines that are traditionally male-dominated, such as the scientific and technological fields;
  - (g) Support and develop gender studies and research at all levels of education, especially at the post-graduate level of academic institutions, and apply them in the development of curricula, including university curricula, textbooks and teaching aids, and in teacher training;
  - (h) Develop leadership training and opportunities for all women to encourage them to take leadership roles both as students and as adults in civil society;

- (i) Develop appropriate education and information programmes with due respect for multilingualism, particularly in conjunction with the mass media, that make the public, particularly parents, aware of the importance of non-discriminatory education for children and the equal sharing of family responsibilities by girls and boys;
- (j) Develop human rights education programmes that incorporate the gender dimension at all levels of education, in particular by encouraging higher education institutions, especially in their graduate and postgraduate juridical, social and political science curricula, to include the study of the human rights of women as they appear in United Nations conventions;
- (k) Remove legal and regulatory and social barriers, where appropriate, to sexual and reproductive health education within formal education regarding women's health issues;
- (l) Encourage, with the guidance and support of their parents and in cooperation with educational staff and institutions, the elaboration of educational programmes for girls and boys and the creation of integrated services in order to raise awareness of their responsibilities and to help them to assume those responsibilities, taking into account the importance of such education and services to personal development and self-esteem, as well as the urgent need to avoid unwanted pregnancy, the spread of sexually transmitted diseases, especially HIV/AIDS, and such phenomena as sexual violence and abuse;
- (m) Provide accessible recreational and sports facilities and establish and strengthen gender-sensitive programmes for girls and women of all ages in education and community institutions and support the advancement of women in all areas of athletics and physical activity, including coaching, training and administration, and as participants at the national, regional and international levels;
- (n) Recognise and support the right of indigenous women and girls to education; and promote a multicultural approach to education that is responsive to the needs, aspirations and cultures of indigenous women, including by developing appropriate education programmes, curricula and teaching aids, to the extent possible in the languages of indigenous people and by providing for the participation of indigenous women in these processes;
- (o) Acknowledge and respect the artistic, spiritual and cultural activities of indigenous women;
- (p) Ensure that gender, equality, and cultural, religious and other diversity are respected in educational institutions;
- (q) Promote education, training and relevant information programmes for rural and farming women through the use of affordable and appropriate technologies and the mass media - for example, radio programmes, cassettes and mobile units;
- (r) Provide non-formal education, especially for rural women, in order to realise their potential with regard to health, micro-enterprise, agriculture and legal rights;
- (s) Remove all barriers to access to formal education for pregnant adolescents and young mothers, and support the provision of child care and other support services where necessary.

Strategic objective B.5. Allocate sufficient resources for and monitor the implementation of educational reforms

### **actions to be taken**

86. By Governments:

- (a) Provide the required budgetary resources to the educational sector, with reallocation within the educational sector to ensure increased funds for basic education, as appropriate;
- (b) Establish a mechanism at appropriate levels to monitor the implementation of educational reforms and measures in relevant ministries, and establish technical assistance programmes, as appropriate, to address issues raised by the monitoring efforts.

87. By Governments and, as appropriate, private and public institutions, foundations, research institutes and non-governmental organisations:



- (a) When necessary, mobilise additional funds from private and public institutions, foundations, research institutes and non-governmental organisations to enable girls and women, as well as boys and men on an equal basis, to complete their education, with a particular emphasis on under-served populations;
  - (b) Provide funding for special programmes, such as programmes in mathematics, science and computer technology, to advance opportunities for all girls and women.
88. By multilateral development institutions, including the World Bank, regional development banks, bilateral donors and foundations, consider:
- (a) Increase funding for the education and training needs of girls and women as a priority in development assistance programmes;
  - (b) Working with recipient Governments to ensure that funding for women's education is maintained or increased in structural adjustment and economic recovery programmes, including lending and stabilisation programmes.
89. By international and intergovernmental organisations, especially the United Nations Educational, Scientific and Cultural Organisation (UNESCO), at the global level:
- (a) Contribute to the evaluation of progress achieved, using educational indicators generated by national, regional and international bodies, and urge Governments, in implementing measures, to eliminate differences between women and men, boys and girls with regard to opportunities in education and training and the levels achieved in all fields, particularly in primary and literacy programmes;
  - (b) Provide technical assistance upon request to developing countries to strengthen the capacity to monitor progress in closing the gap between women and men in education, training and research, and in levels of achievement in all fields, particularly basic education and the elimination of illiteracy;
  - (c) Conduct an international campaign promoting the right of women and girls to education;
  - (d) Allocate a substantial percentage of their resources to basic education for women and girls.

Strategic objective B.6. Promote lifelong education and training for girls and women

### **Actions to be taken**

90. By Governments, educational institutions and communities:
- (a) Ensure the availability of a broad range of educational and training programmes that lead to ongoing acquisition by women and girls of the knowledge and skills required for living in, contributing to and benefiting from, their communities and nations;
  - (b) Provide support for child care and other services to enable mothers to continue their schooling;
  - (c) Create flexible education, training and retraining programmes for life-long learning that facilitate transitions between women's activities at all stages of their lives.

### **C. Women and health**

91. Women have the right to the enjoyment of the highest attainable standard of physical and mental health. The enjoyment of this right is vital to their life and well-being and their ability to participate in all areas of public and private life. Health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity. Women's health involves their emotional, social and physical well-being and is determined by the social, political and economic context of their lives, as well as by biology. However, health and well-being elude the majority of women. A major barrier for women to the achievement of the highest attainable standard of health is inequality, both between men and women and among women in different geographical regions, social classes and indigenous and ethnic groups. In national and international forums, women have emphasised that to attain optimal health throughout the life cycle, equality, including the sharing of family responsibilities, development and peace are necessary conditions.

92. Women have different and unequal access to and use of basic health resources, including primary health services for the prevention and treatment of childhood diseases, malnutrition, anaemia, diarrhoeal diseases, communicable diseases, malaria and other tropical diseases and tuberculosis, among others. Women also have different and unequal opportunities for the protection, promotion and maintenance of their health. In many developing countries, the lack of emergency obstetric services is also of particular concern. Health policies and programmes often perpetuate gender stereotypes and fail to consider socio-economic disparities and other differences among women and may not fully take account of the lack of autonomy of women regarding their health. Women's health is also affected by gender bias in the health system and by the provision of inadequate and inappropriate medical services to women.
93. In many countries, especially in developing countries, in particular the least developed countries, a decrease in public health spending and, in some cases, structural adjustment, contribute to the deterioration of public health systems. In addition, privatisation of health-care systems without appropriate guarantees of universal access to affordable health care, further reduces health-care availability. This situation not only directly affects the health of girls and women, but also places disproportionate responsibilities on women, whose multiple roles, including their roles within the family and the community, are often not acknowledged; hence they do not receive the necessary social, psychological and economic support.
94. Women's right to the enjoyment of the highest standard of health must be secured throughout the whole life cycle in equality with men. Women are affected by many of the same health conditions as men, but women experience them differently. The prevalence among women of poverty and economic dependence, their experience of violence, negative attitudes towards women and girls, discrimination due to race and other forms of discrimination, the limited power many women have over their sexual and reproductive lives and lack of influence in decision-making are social realities which have an adverse impact on their health. Lack of food and inequitable distribution of food for girls and women in the household, inadequate access to safe water, sanitation facilities and fuel supplies, particularly in rural and poor urban areas, and deficient housing conditions, all overburden women and their families and have a negative effect on their health. Good health is essential to leading a productive and fulfilling life, and the right of all women to control all aspects of their health, in particular their own fertility, is basic to their empowerment.
95. Discrimination against girls, often resulting from son preference, in access to nutrition and health-care services endangers their current and future health and well-being. Conditions that force girls into early marriage, pregnancy and child-bearing and subject them to harmful practices, such as female genital mutilation, pose grave health risks. Adolescent girls need, but too often do not have, access to necessary health and nutrition services as they mature. Counselling and access to sexual and reproductive health information and services for adolescents are still inadequate or lacking completely, and a young woman's right to privacy, confidentiality, respect and informed consent is often not considered. Adolescent girls are both biologically and psychosocially more vulnerable than boys to sexual abuse, violence and prostitution, and to the consequences of unprotected and premature sexual relations. The trend towards early sexual experience, combined with a lack of information and services, increases the risk of unwanted and too early pregnancy, HIV infection and other sexually transmitted diseases, as well as unsafe abortions. Early child-bearing continues to be an impediment to improvements in the educational, economic and social status of women in all parts of the world. Overall, for young women early marriage and early motherhood can severely curtail educational and employment opportunities and are likely to have a long-term, adverse impact on the quality of their lives and the lives of their children. Young men are often not educated to respect women's self-determination and to share responsibility with women in matters of sexuality and reproduction.
96. Reproductive health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity, in all matters relating to the reproductive system and to its functions and processes. Reproductive health therefore implies that people are able to have a satisfying and safe sex life and that they have the capability to reproduce and the freedom to decide if, when and how often to do so. Implicit in this last condition are the right of men and women to be informed and to have access to safe, effective, affordable and acceptable methods of family planning of their choice, as well as other methods of

their choice for regulation of fertility which are not against the law, and the right of access to appropriate health-care services that will enable women to go safely through pregnancy and childbirth and provide couples with the best chance of having a healthy infant. In line with the above definition of reproductive health, reproductive health care is defined as the constellation of methods, techniques and services that contribute to reproductive health and well-being by preventing and solving reproductive health problems. It also includes sexual health, the purpose of which is the enhancement of life and personal relations, and not merely counselling and care related to reproduction and sexually transmitted diseases.

- 96 bis. Bearing in mind the above definition, reproductive rights embrace certain human rights that are already recognised in national laws, international human rights documents and other consensus documents. These rights rest on the recognition of the basic right of all couples and individuals to decide freely and responsibly the number, spacing and timing of their children and to have the information and means to do so, and the right to attain the highest standard of sexual and reproductive health. It also includes their right to make decisions concerning reproduction free of discrimination, coercion and violence, as expressed in human rights documents. In the exercise of this right, they should take into account the needs of their living and future children and their responsibilities towards the community. The promotion of the responsible exercise of these rights for all people should be the fundamental basis for government- and community-supported policies and programmes in the area of reproductive health, including family planning. As part of their commitment, full attention should be given to the promotion of mutually respectful and equitable gender relations and particularly to meeting the educational and service needs of adolescents to enable them to deal in a positive and responsible way with their sexuality. Reproductive health eludes many of the world's people because of such factors as: inadequate levels of knowledge about human sexuality and inappropriate or poor-quality reproductive health information and services; the prevalence of high-risk sexual behaviour; discriminatory social practices; negative attitudes towards women and girls; and the limited power many women and girls have over their sexual and reproductive lives. Adolescents are particularly vulnerable because of their lack of information and access to relevant services in most countries. Older women and men have distinct reproductive and sexual health issues which are often inadequately addressed.
97. The human rights of women include their right to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence. Equal relationships between women and men in matters of sexual relations and reproduction, including full respect for the integrity of the person, require mutual respect, consent and shared responsibility for sexual behaviour and its consequences.
98. Further, women are subject to particular health risks due to inadequate responsiveness and lack of services to meet health needs related to sexuality and reproduction. Complications related to pregnancy and childbirth are among the leading causes of mortality and morbidity of women of reproductive age in many parts of the developing world. Similar problems exist to a certain degree in some countries with economies in transition. Unsafe abortions threaten the lives of a large number of women, representing a grave public health problem as it is primarily the poorest and youngest who take the highest risk. Most of these deaths, health problems and injuries are preventable through improved access to adequate health-care services, including safe and effective family planning methods and emergency obstetric care, recognising the right of women and men to be informed and to have access to safe, effective, affordable and acceptable methods of family planning of their choice, as well as other methods of their choice for regulation of fertility which are not against the law, and the right of access to appropriate health-care services that will enable women to go safely through pregnancy and childbirth and provide couples with the best chance of having a healthy infant. These problems and means should be addressed on the basis of the report of the International Conference on Population and Development, with particular reference to relevant paragraphs of the Programme of Action of the Conference. 13/ In most countries, the neglect of women's reproductive rights severely limits their opportunities in public and private life, including opportunities for education and economic and

political empowerment. The ability of women to control their own fertility forms an important basis for the enjoyment of other rights. Shared responsibility between women and men in matters related to sexual and reproductive behaviour is also essential to improving women's health.

99. HIV/AIDS and other sexually transmitted diseases, the transmission of which is sometimes a consequence of sexual violence, are having a devastating effect on women's health, particularly the health of adolescent girls and young women. They often do not have the power to insist on safe and responsible sex practices and have little access to information and services for prevention and treatment. Women, who represent half of all adults newly infected with HIV/AIDS and other sexually transmitted diseases, have emphasised that social vulnerability and the unequal power relationships between women and men are obstacles to safe sex, in their efforts to control the spread of sexually transmitted diseases. The consequences of HIV/AIDS reach beyond women's health to their role as mothers and caregivers and their contribution to the economic support of their families. The social, developmental and health consequences of HIV/AIDS and other sexually transmitted diseases need to be seen from a gender perspective.
100. Sexual and gender-based violence, including physical and psychological abuse, trafficking in women and girls, and other forms of abuse and sexual exploitation place girls and women at high risk of physical and mental trauma, disease and unwanted pregnancy. Such situations often deter women from using health and other services.
101. Mental disorders related to marginalisation, powerlessness and poverty, along with overwork and stress and the growing incidence of domestic violence as well as substance abuse, are among other health issues of growing concern to women. Women throughout the world, especially young women, are increasing their use of tobacco with serious effects on their health and that of their children. Occupational health issues are also growing in importance, as a large number of women work in low-paid jobs in either the formal or the informal labour market under tedious and unhealthy conditions, and the number is rising. Cancers of the breast and cervix and other cancers of the reproductive system, as well as infertility affect growing numbers of women and may be preventable, or curable, if detected early.
102. With the increase in life expectancy and the growing number of older women, their health concerns require particular attention. The long-term health prospects of women are influenced by changes at menopause, which, in combination with life-long conditions and other factors, such as poor nutrition and lack of physical activity, may increase the risk of cardiovascular disease and osteoporosis. Other diseases of ageing and the interrelationships of ageing and disability among women also need particular attention.
103. Women, like men, particularly in rural areas and poor urban areas, are increasingly exposed to environmental health hazards owing to environmental catastrophes and degradation. Women have a different susceptibility to various environmental hazards, contaminants and substances and they suffer different consequences from exposure to them.
104. The quality of women's health care is often deficient in various ways, depending on local circumstances. Women are frequently not treated with respect, nor are they guaranteed privacy and confidentiality, nor do they always receive full information about the options and services available. Furthermore, in some countries, over-medication of women's life events is common, leading to unnecessary surgical intervention and inappropriate medication.
105. Statistical data on health are often not systematically collected, disaggregated and analysed by age, sex and socio-economic status and by established demographic criteria used to serve the interests and solve the problems of subgroups, with particular emphasis on the vulnerable and marginalised and other relevant variables. Recent and reliable data on the mortality and morbidity of women and conditions and diseases particularly affecting women are not available in many countries. Relatively little is known about how social and economic factors affect the health of girls and women of all ages, about the provision of health services to girls and women and the patterns of their use of such services, and about the value of disease prevention and health promotion programmes for women. Subjects of importance to women's health have not been adequately researched and women's health research often lacks funding. Medical research, on heart disease, for example, and epidemiological studies in many countries are often based solely on men;

they are not gender specific. Clinical trials involving women to establish basic information about dosage, side-effects and effectiveness of drugs, including contraceptives, are noticeably absent and do not always conform to ethical standards for research and testing. Many drug therapy protocols and other medical treatments and interventions administered to women are based on research on men without any investigation and adjustment for gender differences.

106. In addressing inequalities in health status and unequal access to and inadequate health-care services between women and men, Governments and other actors should promote an active and visible policy of mainstreaming a gender perspective in all policies and programmes, so that, before decisions are taken, an analysis is made of the effects for women and men, respectively.

Strategic objective C.1. Increase women's access throughout the life cycle to appropriate, affordable and quality health care, information and related services Actions to be taken

107. By Governments, in collaboration with non-governmental organisations and employers' and workers' organisations and with the support of international institutions:

- (a) Support and implement the commitments made in the Programme of Action of the International Conference on Population and Development, as established in the report of that Conference and the Copenhagen Declaration on Social Development and Programme of Action of the World Summit for Social Development 14/ and the obligations of States parties under the Convention on the Elimination of All Forms of Discrimination against Women and other relevant international agreements, to meet the health needs of girls and women of all ages;
- (b) Reaffirm the right to the enjoyment of the highest attainable standards of physical and mental health, protect and promote the attainment of this right for women and girls and incorporate it in national legislation, for example;

review existing legislation, including health legislation, as well as policies, where necessary, to reflect a commitment to women's health and to ensure that they meet the changing roles and responsibilities of women wherever they reside;

- (c) Design and implement, in cooperation with women and community-based organisations, gender-sensitive health programmes, including decentralised health services, that address the needs of women throughout their lives and take into account their multiple roles and responsibilities, the demands on their time, the special needs of rural women and women with disabilities and the diversity of women's needs arising from age and socio-economic and cultural differences, among others; include women, especially local and indigenous women, in the identification and planning of health-care priorities and programmes; and remove all barriers to women's health services and provide a broad range of health-care services;
- (d) Allow women access to social security systems in equality with men throughout the whole life cycle;
- (e) Provide more accessible, available and affordable primary health-care services of high quality, including sexual and reproductive health care, which includes family planning information and services, and giving particular attention to maternal and emergency obstetric care, as agreed in the Programme of Action of the International Conference on Population and Development;
- (f) Redesign health information, services and training for health workers so that they are gender-sensitive and reflect the user's perspectives with regard to interpersonal and communications skills and the user's right to privacy and confidentiality. These services, information and training should adopt a holistic approach;
- (g) Ensure that all health services and workers conform to human rights and to ethical, professional and gender-sensitive standards in the delivery of women's health services aimed at ensuring responsible, voluntary and informed consent. Encourage the development, implementation and dissemination of codes of ethics guided by existing international codes of medical ethics as well as ethical principles that govern other health professionals;
- (h) Take all appropriate measures to eliminate harmful, medically unnecessary or coercive medical interventions, as well as inappropriate medication and over-medication of women. All women



should be fully informed of their options, including likely benefits and potential side-effects, by properly trained personnel;

- (i) Strengthen and reorient health services, particularly primary health care, in order to ensure universal access to quality health services for women and girls, reduce ill health and maternal morbidity and achieve world wide the agreed-upon goal of reducing maternal mortality by at least 50 per cent of the

1990 levels by the year 2000 and a further one half by the year 2015; ensure that the necessary services are available at each level of the health system; and make reproductive health care accessible, through the primary health-care system, to all individuals of appropriate ages as soon as possible and no later than the year 2015;

- (j) Recognise and deal with the health impact of unsafe abortion as a major public health concern, as agreed in paragraph 8.25 of the Programme of Action of the International Conference on Population and Development;
- (k) Paragraph 8.25 of the Programme of Action of the International Conference on Population and Development states: "In no case should abortion be promoted as a method of family planning. All Governments and relevant intergovernmental and non-governmental organisations are urged to strengthen their commitment to women's health, to deal with the health impact of unsafe abortion as a major public health concern and to reduce the recourse to abortion through expanded and improved family-planning services. Prevention of unwanted pregnancies must always be given the highest priority and every attempt should be made to eliminate the need for abortion. Women who have unwanted pregnancies should have ready access to reliable information and compassionate counselling. Any measures or changes related to abortion within the health system can only be determined at the national or local level according to the national legislative process. In circumstances where abortion is not against the law, such abortion should be safe. In all cases, women should have access to quality services for the management of complications arising from abortion. Post-abortion counselling, education and family-planning services should be offered promptly, which will also help to avoid repeat abortions." Consider reviewing laws containing punitive measures against women who have undergone illegal abortions;
- (l) Give particular attention to the needs of girls, especially the promotion of healthy behaviour, including physical activities; take specific measures for closing the gender gaps in morbidity and mortality where girls are disadvantaged, while achieving internationally approved goals for the reduction of infant and child mortality - specifically, by the year 2000, the reduction of mortality rates of infants and children under five years of age by one third of the 1990 level, or 50 to 70 per

1,000 live births, whichever is less; by the year 2015 an infant mortality rate below 35 per 1,000 live births and an under-five mortality rate below 45 per 1,000;

- (m) Ensure that girls have continuing access to necessary health and nutrition information and services as they mature, to facilitate a healthful transition from childhood to adulthood;
- (n) Develop information, programmes and services to assist women to understand and adapt to changes associated with ageing and to address and treat the health needs of older women, paying particular attention to those who are physically or psychologically dependent;
- (o) Ensure that girls and women of all ages with any form of disability receive supportive services;
- (p) Formulate special policies, design programmes and enact the legislation necessary to alleviate and eliminate environmental and occupational health hazards associated with work in the home, in the workplace and elsewhere with attention to pregnant and lactating women;
- (q) Integrate mental health services into primary health care systems or other appropriate levels, develop supportive programmes and train primary health workers to recognise and care for girls and women of all ages who have experienced any form of violence especially domestic violence, sexual abuse or other abuse resulting from armed and non-armed conflict;



- (r) Promote public information on the benefits of breast-feeding; examine ways and means of implementing fully the WHO/UNICEF International Code of Marketing of Breast-milk Substitutes, and enable mothers to breast-feed their infants by providing legal, economic, practical and emotional support;
- (s) Establish mechanisms to support and involve non-governmental organisations, particularly women's organisations, professional groups and other bodies working to improve the health of girls and women, in government policy-making, programme design, as appropriate, and implementation within the health sector and related sectors at all levels;
- (t) Support non-governmental organisations working on women's health and help develop networks aimed at improving coordination and collaboration between all sectors that affect health;
- (u) Rationalise drug procurement and ensure a reliable, continuous supply of high-quality pharmaceutical, contraceptive and other supplies and equipment, using the WHO Model List of Essential Drugs as a guide, and ensure the safety of drugs and devices through national regulatory drug approval processes;
- (v) Provide improved access to appropriate treatment and rehabilitation services for women substance abusers and their families;
- (w) Promote and ensure household and national food security, as appropriate, and implement programmes aimed at improving the nutritional status of all girls and women by implementing the commitments made in the Plan of Action on Nutrition of the International Conference on Nutrition, 16/ including a reduction world wide of severe and moderate malnutrition among children under the age of five by one half of

1990 levels by the year 2000, giving special attention to the gender gap in nutrition, and a reduction in iron deficiency anaemia in girls and women by one third of the 1990 levels by the year 2000;

- (x) Ensure the availability of and universal access to safe drinking water and sanitation and put in place effective public distribution systems as soon as possible;
- (y) Ensure full and equal access to health care infrastructure and services for indigenous women.

Strategic objective C.2. Strengthen preventive programmes that promote women's health Actions to be taken

108. By Governments, in cooperation with non-governmental organisations, the mass media, the private sector and relevant international organisations, including United Nations bodies, as appropriate:

- (a) Give priority to both formal and informal educational programmes that support and enable women to develop self-esteem, acquire knowledge, make decisions on and take responsibility for their own health, achieve mutual respect in matters concerning sexuality and fertility and educate men regarding the importance of women's health and well-being, placing special focus on programmes for both men and women that emphasise the elimination of harmful attitudes and practices, including female genital mutilation, son preference (which results in female infanticide and prenatal sex selection), early marriage, including child marriage, violence against women, sexual exploitation, sexual abuse, which at times is conducive to infection with HIV/AIDS and other sexually transmitted diseases, drug abuse, discrimination against girls and women in food allocation and other harmful attitudes and practices related to the life, health and well-being of women, and recognising that some of these practices can be violations of human rights and ethical medical principles;
- (b) Pursue social, human development, education and employment policies to eliminate poverty among women in order to reduce their susceptibility to ill health and to improve their health;
- (c) Encourage men to share equally in child care and household work and to provide their share of financial support for their families, even if they do not live with them;
- (d) Reinforce laws, reform institutions and promote norms and practices that eliminate discrimination against women and encourage both women and men to take responsibility for their sexual and reproductive behaviour, ensure full respect for the integrity of the person, take action to ensure the

conditions necessary for women to exercise their reproductive rights and eliminate coercive laws and practices;

- (e) Prepare and disseminate accessible information, through public health campaigns, the media, reliable counselling and the education system, designed to ensure that women and men, particularly young people, can acquire knowledge about their health, especially information on sexuality and reproduction, taking into account the rights of the child to access to information, privacy, confidentiality, respect and informed consent, as well as the responsibilities, rights and duties of parents and legal guardians to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognised in the Convention on the Rights of the Child, and in conformity with the Convention on the Elimination of All Forms of Discrimination against Women. In all actions concerning children, the best interests of the child shall be a primary consideration;
- (f) Create and support programmes in the educational system, in the workplace and in the community to make opportunities to participate in sport, physical activity and recreation available to girls and women of all ages on the same basis as they are made available to men and boys;
- (g) Recognise the specific needs of adolescents and implement specific appropriate programmes, such as education and information on sexual and reproductive health issues and on sexually transmitted diseases, including HIV/AIDS, taking into account the rights of the child and the responsibilities, rights and duties of parents as stated in paragraph 108 (e);
- (h) Develop policies that reduce the disproportionate and increasing burden on women who have multiple roles within the family and the community by providing them with adequate support and programmes from health and social services;
- (i) Adopt regulations to ensure that the working conditions, including remuneration and promotion of women at all levels of the health system, are non-discriminatory and meet fair and professional standards to enable them to work effectively;
- (j) Ensure that health and nutritional information and training form an integral part of all adult literacy programmes and school curricula from the primary level;
- (k) Develop and undertake media campaigns and information and educational programmes that inform women and girls of the health and related risks of substance abuse and addiction and pursue strategies and programmes that discourage substance abuse and addiction and promote rehabilitation and recovery;
- (l) Devise and implement comprehensive and coherent programmes for the prevention, diagnosis and treatment of osteoporosis, a condition that predominantly affects women;
- (m) Establish and/or strengthen programmes and services, including media campaigns, that address the prevention, early detection and treatment of breast, cervical and other cancers of the reproductive system;
- (n) Reduce environmental hazards that pose a growing threat to health, especially in poor regions and communities;

apply a precautionary approach, as agreed to in the Rio Declaration on Environment and Development, adopted by the United Nations Conference on Environment and Development, 17/ and include reporting on women's health risks related to the environment in monitoring the implementation of Agenda 21;

- (o) Create awareness among women, health professionals, policy makers and the general public about the serious but preventable health hazards stemming from tobacco consumption and the need for regulatory and education measures to reduce smoking as important health promotion and disease prevention activities;
- (p) Ensure that medical school curricula and other health care training include gender-sensitive, comprehensive and mandatory courses on women's health;
- (q) Adopt specific preventive measures to protect women, youth and children from any abuse - sexual abuse, exploitation, trafficking and violence, for example - including the formulation and enforcement of laws, and provide legal protection and medical and other assistance.

Strategic objective C.3. Undertake gender-sensitive initiatives that address sexually transmitted diseases, HIV/AIDS, and sexual and reproductive health issues Actions to be taken

109. By Governments, international bodies including relevant United Nations organisations, bilateral and multilateral donors and non-governmental organisations:

- (a) Ensure the involvement of women, especially those infected with HIV/AIDS or other sexually transmitted diseases or affected by the HIV/AIDS pandemic, in all decision-making relating to the development, implementation, monitoring and evaluation of policies and programmes on HIV/AIDS and other sexually transmitted diseases;
- (b) Review and amend laws and combat practices, as appropriate, that may contribute to women's susceptibility to HIV infection and other sexually transmitted diseases, including enacting legislation against those socio-cultural practices that contribute to it, and implement legislation, policies and practices to protect women, adolescents and young girls from discrimination related to HIV/AIDS;
- (c) Encourage all sectors of society, including the public sector, as well as international organisations, to develop compassionate and supportive, non-discriminatory HIV/AIDS-related policies and practices that protect the rights of infected individuals;
- (d) Recognise the extent of the HIV/AIDS pandemic in their countries, taking particularly into account its impact on women, with a view to ensuring that infected women not suffer stigmatisation and discrimination including during travel;
- (e) Develop gender-sensitive multi-sectoral programmes and strategies to end social subordination of women and girls and to ensure their social and economic empowerment and equality;

and facilitate promotion of programmes to educate and enable men to assume their responsibilities to prevent HIV/AIDS and other sexually transmitted diseases;

- (f) Facilitate the development of community strategies that will protect women of all ages from HIV and other sexually transmitted diseases, provide care and support to infected girls, women and their families and mobilise all parts of the community in response to the HIV/AIDS pandemic to exert pressure on all responsible authorities to respond in a timely, effective, sustainable and gender-sensitive manner;
- (g) Support and strengthen national capacity to create and improve gender-sensitive policies and programmes on HIV/AIDS and other sexually transmitted diseases, including the provision of resources and facilities to women who find themselves the principal caregivers or economic support for those infected with HIV/AIDS or affected by the pandemic, and the survivors, particularly children and older persons;
- (h) Provide workshops and specialised education and training to parents, decision makers and opinion leaders at all levels of the community, including religious and traditional authorities, on prevention of HIV/AIDS and other sexually transmitted diseases, and their repercussions on both women and men of all ages;
- (i) Give all women and health workers all relevant information and education about sexually transmitted diseases including HIV/AIDS and pregnancy and the implications for the baby, including breast-feeding;
- (j) Assist women and their formal and informal organisations to establish and expand effective peer education and outreach programmes and to participate in the design, implementation and monitoring of these programmes;
- (k) Give full attention to the promotion of mutually respectful and equitable gender relations and, in particular, to meeting the educational and service needs of adolescents to enable them to deal in a positive and responsible way with their sexuality;
- (l) Design specific programmes for men of all ages and male adolescents, recognising the parental roles referred to in paragraph 108 (e), aimed at providing complete and accurate information on safe and responsible sexual and reproductive behaviour, including voluntary, appropriate and

effective male methods for the prevention of HIV/AIDS and other sexually transmitted diseases through, inter alia, abstinence and condom use;

- (m) Ensure the provision, through the primary health care system, of universal access of couples and individuals to appropriate and affordable preventive services with respect to sexually transmitted diseases, including HIV/AIDS, and expand the provision of counselling and voluntary and confidential diagnostic and treatment services for women; ensure that high-quality condoms as well as drugs for the treatment of sexually transmitted diseases are, where possible, supplied and distributed to health services;
- (n) Support programmes which acknowledge that the higher risk among women of contracting HIV is linked to high-risk behaviour, including intravenous substance use and substance-influenced unprotected and irresponsible sexual behaviour, and take appropriate preventive measures;
- (o) Support and expedite action-oriented research on affordable methods, controlled by women, to prevent HIV and other sexually transmitted diseases, on strategies empowering women to protect themselves from sexually transmitted diseases, including HIV/AIDS, and on methods of care, support and treatment of women, ensuring their involvement in all aspects of such research;
- (p) Support and initiate research which addresses women's needs and situations, including research on HIV infection and other sexually transmitted diseases in women, on women-controlled methods of protection, such as non-spermicidal microbicides, and on male and female risk-taking attitudes and practices.

Strategic objective C.4. Promote research and disseminate information on women's health

### **Actions to be taken**

110. By Governments, the United Nations system, health professions, research institutions, non-governmental organisations, donors, pharmaceutical industries and the mass media, as appropriate:
- (a) Train researchers and introduce systems that allow for the use of data collected, analysed and disaggregated by, among other factors, sex and age, other established demographic criteria and socio-economic variables, in policy-making, as appropriate, planning, monitoring and evaluation;
  - (b) Promote gender-sensitive and women-centred health research, treatment and technology and link traditional and indigenous knowledge with modern medicine, making information available to women to enable them to make informed and responsible decisions;
  - (c) Increase the number of women in leadership positions in the health professions, including researchers and scientists, to achieve equality at the earliest possible date;
  - (d) Increase financial and other support from all sources for preventive, appropriate biomedical, behavioural, epidemiological and health service research on women's health issues and for research on the social, economic and political causes of women's health problems, and their consequences, including the impact of gender and age inequalities, especially with respect to chronic and non-communicable diseases, particularly cardiovascular diseases and conditions, cancers, reproductive tract infections and injuries, HIV/AIDS and other sexually transmitted diseases, domestic violence, occupational health, disabilities, environmentally related health problems, tropical diseases and health aspects of ageing;
  - (e) Inform women about the factors which increase the risks of developing cancers and infections of the reproductive tract, so that they can make informed decisions about their health;
  - (f) Support and fund social, economic, political and cultural research on how gender-based inequalities affect women's health, including etiology, epidemiology, provision and utilisation of services and eventual outcome of treatment;
  - (g) Support health service systems and operations research to strengthen access and improve the quality of service delivery, to ensure appropriate support for women as health-care providers and to examine patterns with respect to the provision of health services to women and use of such services by women;

- (h) Provide financial and institutional support for research on safe, effective, affordable and acceptable methods and technologies for the reproductive and sexual health of women and men, including more safe, effective, affordable and acceptable methods for the regulation of fertility, including natural family planning for both sexes, methods to protect against HIV/AIDS and other sexually transmitted diseases and simple and inexpensive methods of diagnosing such diseases, among others. This research needs to be guided at all stages by users and from the perspective of gender, particularly the perspective of women, and should be carried out in strict conformity with internationally accepted legal, ethical, medical and scientific standards for biomedical research;
- (i) Since unsafe abortion
  - 15. is a major threat to the health and life of women, research to understand and better address the determinants and consequences of induced abortion, including its effects on subsequent fertility, reproductive and mental health and contraceptive practice, should be promoted, as well as research on treatment of complications of abortions and post-abortion care;
  - (j) Acknowledge and encourage beneficial traditional health care, especially that practised by indigenous women, with a view to preserving and incorporating the value of traditional health care in the provision of health services, and support research directed towards achieving this aim;
  - (k) Develop mechanisms to evaluate and disseminate available data and research findings to researchers, policy makers, health professionals and women's groups, among others;
  - (l) Monitor human genome and related genetic research from the perspective of women's health and disseminate information and results of studies conducted in accordance with accepted ethical standards.

Strategic objective C.5. Increase resources and monitor follow-up for women's health Actions to be taken

- 111. By Governments at all levels, and where appropriate, in cooperation with non-governmental organisations, especially women's and youth organisations:
  - (a) Increase budgetary allocations for primary health care and social services, with adequate support for secondary and tertiary levels, and give special attention to the reproductive and sexual health of girls and women;

priority should be given to health programmes in rural and poor urban areas;

  - (b) Develop innovative approaches to funding health services through promoting community participation and local financing; increase, where necessary, budgetary allocations for community health centres and community-based programmes and services that address women's specific health needs;
  - (c) Develop local health services, promoting the incorporation of gender-sensitive community-based participation and self-care and specially designed preventive health programmes;
  - (d) Develop goals and time-frames, where appropriate, for improving women's health and for planning, implementing, monitoring and evaluating programmes, based on gender-impact assessments using qualitative and quantitative data disaggregated by sex, age, other established demographic criteria and socio-economic variables;
  - (e) Establish, as appropriate, ministerial and inter-ministerial mechanisms for monitoring the implementation of women's health policy and programme reforms and establish, as appropriate, high-level focal points in national planning authorities responsible for monitoring to ensure that women's health concerns are mainstreamed in all relevant government agencies and programmes.
- 112. By Governments, the United Nations and its specialised agencies, international financial institutions, bilateral donors and the private sector, as appropriate:
  - (a) Formulate policies favourable to investment in women's health and, where appropriate, increase allocations for such investment;



- (b) Provide appropriate material, financial and logistical assistance to youth non-governmental organisations in order to strengthen them to address youth concerns in the area of health including sexual and reproductive health;
- (c) Give higher priority to women's health and develop mechanisms for coordinating and implementing the health objectives of the Platform for Action and relevant international agreements to ensure progress.

#### **D. Violence against women**

113. Violence against women is an obstacle to the achievement of the objectives of equality, development and peace. Violence against women both violates and impairs or nullifies the enjoyment by women of their human rights and fundamental freedoms. The long-standing failure to protect and promote those rights and freedoms in the case of violence against women is a matter of concern to all States and should be addressed. Knowledge about its causes and consequences, as well as its incidence and measures to combat it, have been greatly expanded since the Nairobi Conference. In all societies, to a greater or lesser degree, women and girls are subjected to physical, sexual and psychological abuse that cuts across lines of income, class and culture. The low social and economic status of women can be both a cause and a consequence of violence against women.
114. The term "violence against women" means 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 private life. Accordingly, violence against women encompasses but is not limited to the following:
- (a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, 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.
115. Other acts of violence against women include violation of the human rights of women in situations of armed conflict, in particular murder, systematic rape, sexual slavery and forced pregnancy.
- 115 bis. Acts of violence against women also include forced sterilisation and forced abortion, coercive/forced use of contraceptives, prenatal sex selection and female infanticide.
116. Some groups of women, such as women belonging to minority groups, indigenous women, refugee women, women migrants, including women migrant workers, women in poverty living in rural or remote communities, destitute women, women in institutions or in detention, female children, women with disabilities, elderly women, displaced women, repatriated women, women living in poverty and women in situations of armed conflict, foreign occupation, wars of aggression, civil wars, terrorism, including hostage-taking, are also particularly vulnerable to violence.
118. Acts or threats of violence, whether occurring within the home or in the community, or perpetrated or condoned by the State, instil fear and insecurity in women's lives and are obstacles to the achievement of equality and for development and peace. The fear of violence, including harassment, is a permanent constraint on the mobility of women and limits their access to resources and basic activities. High social, health and economic costs to the individual and society are associated with violence against women. Violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men. In many cases, violence against women and girls occurs in the family or within the home, where violence is often tolerated. The neglect, physical and sexual abuse, and rape of girl children and women by family members and other members of the household, as well



as incidences of spousal and non-spousal abuse, often go unreported and are thus difficult to detect. Even when such violence is reported, there is often a failure to protect victims or punish perpetrators.

119. Violence against women is a manifestation of the historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of women's full advancement. Violence against women throughout the life cycle derives essentially from cultural patterns, in particular the harmful effects of certain traditional or customary practices and all acts of extremism linked to race, sex, language or religion that perpetuate the lower status accorded to women in the family, the workplace, the community and society. Violence against women is exacerbated by social pressures, notably the shame of denouncing certain acts that have been perpetrated against women; women's lack of access to legal information, aid or protection; the lack of laws that effectively prohibit violence against women; failure to reform existing laws; inadequate efforts on the part of public authorities to promote awareness of and to enforce existing laws; and the absence of educational and other means to address the causes and consequences of violence. Images in the media of violence against women, in particular those that depict rape or sexual slavery as well as the use of women and girls as sex objects, including pornography, factors contributing to the continued prevalence of such violence, adversely influencing the community at large, in particular children and young people.
120. Developing a holistic and multidisciplinary approach to the challenging task of promoting families, communities and States that are free of violence against women is necessary and achievable. Equality, partnership between women and men and respect for human dignity must permeate all stages of the socialisation process. Educational systems should promote self-respect, mutual respect, and cooperation between women and men.
121. The absence of adequate gender-disaggregated data and statistics on the incidence of violence makes the elaboration of programmes and monitoring of changes difficult. Lack of or inadequate documentation and research on domestic violence, sexual harassment and violence against women and girls in private and in public, including the workplace, impede efforts to design specific intervention strategies. Experience in a number of countries shows that women and men can be mobilised to overcome violence in all its forms and that effective public measures can be taken to address both the causes and the consequences of violence. Men's groups mobilising against gender violence are necessary allies for change.
122. Women may be vulnerable to violence perpetrated by persons in positions of authority in both conflict and non-conflict situations. Training of all officials in humanitarian and human rights law and the punishment of perpetrators of violent acts against women would help to ensure that such violence does not take place at the hands of public officials in whom women should be able to place trust, including police and prison officials and security forces.
123. The effective suppression of trafficking in women and girls for the sex trade is a matter of pressing international concern. Implementation of the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 18/ as well as other relevant instruments, needs to be reviewed and strengthened. The use of women in international prostitution and trafficking networks has become a major focus of international organised crime. The Special Rapporteur of the Commission on Human Rights on violence against women, who has explored these acts as an additional cause of the violation of the human rights and fundamental freedoms of women and girls, is invited to address, within her mandate and as a matter of urgency, the issue of international trafficking for the purposes of the sex trade, as well as the issues of forced prostitution, rape, sexual abuse and sex tourism. Women and girls who are victims of this international trade are at an increased risk of further violence, as well as unwanted pregnancy and sexually transmitted infection, including infection with HIV/AIDS.
124. In addressing violence against women, Governments and other actors should promote an active and visible policy of mainstreaming a gender perspective in all policies and programmes so that before decisions are taken an analysis may be made of their effects on women and men, respectively.

Strategic objective D.1. Take integrated measures to prevent and eliminate violence against women Actions to be taken

125. By Governments:

- (a) Condemn violence against women and refrain from invoking any custom, tradition or religious consideration to avoid their obligations with respect to its elimination as set out in the Declaration on the Elimination of Violence against Women;
- (b) Refrain from engaging in violence against women and 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;
- (c) Enact and/or reinforce penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs done to women and girls who are subjected to any form of violence, whether in the home, the workplace, the community or society;
- (d) Adopt and/or implement and periodically review and analyse legislation to ensure its effectiveness in eliminating violence against women, emphasising the prevention of violence and the prosecution of offenders; take measures to ensure the protection of women subjected to violence, access to just and effective remedies, including compensation and indemnification and healing of victims, and rehabilitation of perpetrators;
- (e) Work actively to ratify and/or implement international human rights norms and instruments as they relate to violence against women, including those contained in the Universal Declaration of Human Rights, 19/ the International Covenant on Civil and Political Rights, 12/ the International Covenant on Economic, Social and Cultural Rights, 12/ and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; 20/
- (f) Implement the Convention on the Elimination of All Forms of Discrimination against Women, taking into account general recommendation 19 adopted by the Committee on the Elimination of Discrimination against Women, at its eleventh session; 21/ (g) Promote an active and visible policy of mainstreaming a gender perspective in all policies and programmes related to violence against women and actively encourage, support and implement measures and programmes aimed at increasing the knowledge and understanding of the causes, consequences and mechanisms of violence against women among those responsible for implementing these policies, such as law enforcement officers, police personnel and judicial, medical and social workers, as well as those who deal with minority, migration and refugee issues, and develop strategies to ensure that the revictimisation of women victims of violence does not occur because of gender-insensitive laws or judicial or enforcement practices;
- (h) Provide women who are subjected to violence with access to the mechanisms of justice and, as provided for by national legislation, to just and effective remedies for the harm they have suffered and inform women of their rights in seeking redress through such mechanisms;
- (i) Enact and enforce legislation against the perpetrators of practices and acts of violence against women, such as female genital mutilation, prenatal sex selection, infanticide and dowry-related violence and give vigorous support to the efforts of non-governmental and community organisations to eliminate such practices;
- (j) Formulate and implement, at all appropriate levels, plans of action to eliminate violence against women;
- (k) Adopt all appropriate measures, especially in the field of education, to modify the social and cultural patterns of conduct of men and women, and to eliminate prejudices, customary practices and all other practices based on the idea of the inferiority or superiority of either of the sexes and on stereotyped roles for men and women;
- (l) Create or strengthen institutional mechanisms so that women and girls can report acts of violence against them in a safe and confidential environment, free from the fear of penalties or retaliation, and file charges;
- (m) Ensure that women with disabilities have access to information and services in the field of violence against women;

- (n) Create, improve or develop as appropriate, and fund the training programmes for judicial, legal, medical, social, educational and police and immigrant personnel, in order to avoid the abuse of power leading to violence against women and sensitise such personnel to the nature of gender-based acts and threats of violence so that fair treatment of female victims can be assured;
  - (o) Adopt laws, where necessary, and reinforce existing laws that punish police, security forces or any other agents of the State who engage in acts of violence against women in the course of the performance of their duties, review existing legislation and take effective measures against the perpetrators of such violence;
  - (p) Allocate adequate resources within the government budget and mobilise community resources for activities related to the elimination of violence against women, including resources for the implementation of plans of action at all appropriate levels;
  - (q) Include in reports submitted in accordance with the provisions of relevant United Nations human rights instruments, information pertaining to violence against women and measures taken to implement the Declaration on the Elimination of Violence against Women;
  - (r) Cooperate with and assist the Special Rapporteur of the Commission on Human Rights on violence against women in the performance of her mandate and furnish all information requested; cooperate also with other competent mechanisms, such as the Special Rapporteur of the Commission on Human Rights on torture and the Special Rapporteur of the Commission on Human Rights on summary, extra-judiciary and arbitrary executions, in relation to violence against women;
  - (s) Recommend that the Commission on Human Rights renew the mandate of the Special Rapporteur on violence against women when her term ends in 1997 and, if warranted, to update and strengthen it.
126. By Governments, including local governments, and community organisations, non-governmental organisations, educational institutions, the public and private sectors, particularly enterprises, and the mass media, as appropriate:
- (a) Provide well-funded shelters and relief support for girls and women subjected to violence, as well as medical, psychological and other counselling services and free or low-cost legal aid, where it is needed, as well as appropriate assistance to enable them to find a means of subsistence;
  - (b) Establish linguistically and culturally accessible services for migrant women and girls, including women migrant workers, who are victims of gender-based violence;
  - (c) Recognise the vulnerability to violence and other forms of abuse of women migrants, including women migrant workers, whose legal status in the host country depends on employers who may exploit their situation;
  - (d) Support initiatives of women's organisations and non-governmental organisations all over the world to raise awareness on the issue of violence against women and to contribute to its elimination;
  - (e) Organise, support and fund community-based education and training campaigns to raise awareness about violence against women as a violation of women's enjoyment of their human rights and mobilise local communities to use appropriate gender-sensitive traditional and innovative methods of conflict resolution;
  - (f) Recognise, support and promote the fundamental role of intermediate institutions, such as primary-health-care centres, family-planning centres, existing school health services, mother and baby protection services, centres for migrant families and so forth in the field of information and education related to abuse;
  - (g) Organise and fund information campaigns, educational and training programmes in order to sensitise girls and boys and women and men to the personal and social detrimental effects of violence in the family, community and society; teach them how to communicate without violence;

promote training for victims and potential victims so that they can protect themselves and others against such violence;

- (h) Disseminate information on the assistance available to women and families who are victims of violence;
- (i) Provide, fund and encourage counselling and rehabilitation programmes for the perpetrators of violence, and promote research to further efforts concerning such counselling and rehabilitation so as to prevent the recurrence of such violence;
- (j) Raise awareness of the responsibility of the media in promoting non-stereotyped images of women and men, as well as in eliminating patterns of media presentation that generate violence, and encourage those responsible for media content to establish professional guidelines and codes of conduct, consistent with freedom of expression;

and also raise awareness of the important role of the media in informing and educate people about the causes and effects of violence against women and in stimulating public debate on the topic.

127. By Governments, employers, trade unions, community and youth organisations and non-governmental organisations, as appropriate:
- (a) Develop programmes and procedures to eliminate sexual harassment and other forms of violence against women in all educational institutions, workplaces and elsewhere;
  - (b) Develop programmes and procedures to educate and raise awareness of acts of violence against women that constitute a crime and a violation of the human rights of women;
  - (c) Develop counselling, healing and support programmes for girls, adolescents and young women who have been or are involved in abusive relationships, particularly those who live in homes or institutions where abuse occurs;
  - (d) Take special measures to eliminate violence against women, particularly those in vulnerable situations, such as young women, refugee, displaced and internally displaced women, women with disabilities and women migrant workers, including enforcing any existing legislation and developing, as appropriate, new legislation for women migrant workers in both sending and receiving countries.
128. By the Secretary-General of the United Nations: Provide the Special Rapporteur of the Commission on Human Rights on violence against women with all necessary assistance, in particular staff and resources required to perform all mandated functions, especially in carrying out and following up on missions undertaken either separately or jointly with other special rapporteurs and working groups, and adequate assistance for periodic consultations with the Committee on the Elimination of Discrimination against Women and all treaty bodies.
129. By Governments, international organisations and non-governmental organisations: Encourage the dissemination and implementation of the UNHCR Guidelines on the Protection of Refugee Women and the UNHCR Guidelines on the Prevention of and Response to Sexual Violence against Refugees. Strategic objective D.2. Study the causes and consequences of violence against women and the effectiveness of preventive measures Actions to be taken
130. By Governments, regional organisations, the United Nations, other international organisations, research institutions, women's and youth organisations and non-governmental organisations, as appropriate:
- (a) Promote research, collect data and compile statistics, especially concerning domestic violence relating to the prevalence of different forms of violence against women and encourage research into the causes, nature, seriousness and consequences of violence against women and the effectiveness of measures implemented to prevent and redress violence against women;
  - (b) Disseminate findings of research and studies widely;
  - (c) Support and initiate research on the impact of violence, such as rape, on women and girl children, and make the resulting information and statistics available to the public;
  - (d) Encourage the media to examine the impact of gender role stereotypes, including those perpetuated by commercial advertisements which foster gender-based violence and inequalities, and how they are transmitted during the life cycle and take measures to eliminate these negative images with a view to promoting a violence-free society.

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

### **Actions to be taken**

131. By Governments of countries of origin, transit and destination, regional and international organisations, as appropriate:
- (a) Consider the ratification and enforcement of international conventions on trafficking in persons and on slavery;
  - (b) Take appropriate measures to address the root factors, including external factors, that encourage trafficking in women and girls for prostitution and other forms of commercialised sex, forced marriages and forced labour in order to eliminate trafficking in women, including by strengthening existing legislation with a view to providing better protection of the rights of women and girls and to punishing the perpetrators, through both criminal and civil measures;
  - (c) Step up cooperation and concerted action by all relevant law enforcement authorities and institutions with a view to dismantling national, regional and international networks in trafficking;
  - (d) Allocate resources to provide comprehensive programmes designed to heal and rehabilitate into society victims of trafficking including through job training, legal assistance and confidential health care and take measures to cooperate with non-governmental organisations to provide for the social, medical and psychological care of the victims of trafficking;
  - (e) Develop educational and training programmes and policies and consider enacting legislation aimed at preventing sex tourism and trafficking, giving special emphasis to the protection of young women and children.

### **E. Women and armed conflict**

132. An environment which maintains world peace and promotes and protects human rights, democracy and the peaceful settlement of disputes, in accordance with the principles of non-threat or use of force against territorial integrity or political independence and of respect for sovereignty as set forth in the United Nations Charter, is an important factor for the advancement of women. Peace is inextricably linked with equality between women and men and development. Armed and other types of conflicts and terrorism and hostage-taking still persist in many parts of the world. Aggression, foreign occupation, ethnic and other types of conflicts are an ongoing reality affecting women and men in nearly every region. Gross and systematic violations and situations that constitute serious obstacles to the full enjoyment of human rights continue to occur in different parts of the world. Such violations and obstacles include, as well as torture and cruel, inhuman and degrading treatment or punishment, summary and arbitrary executions, disappearances, arbitrary detentions, all forms of racism and racial discrimination, foreign occupation and alien domination, xenophobia, poverty, hunger and other denials of economic, social and cultural rights, religious intolerance, terrorism, discrimination against women and lack of the rule of law. International humanitarian law, prohibiting attacks on civilian populations, as such, is at times systematically ignored and human rights are often violated in connection with situations of armed conflicts, affecting the civilian population, especially women, children, the elderly and the disabled. Violations of the human rights of women in situations of armed conflicts are violations of the fundamental principles of international human rights and humanitarian law. Massive violations of human rights, especially in the form of genocide, "ethnic cleansing" as a strategy of war and its consequences, rape, including systematic rape of women in war situations, creating mass exodus of refugees and displaced persons, are abhorrent practices that are strongly condemned and must be immediately stopped, while perpetrators of such crimes must be punished. Some of these situations of armed conflict have their origin in the conquest or colonisation of a country by another State and the perpetuation of that colonisation through state and military repression.
133. The Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 1949, and the Additional Protocols of 1977 provide that women shall especially be protected against any attack on their



honour, in particular against humiliating and degrading treatment, rape, enforced prostitution or any form of indecent assault. 22/ The Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, states that "Violations of the human rights of women in situations of armed conflict are violations of the fundamental principles of international human rights and humanitarian law". 23/ All violations of this kind, including in particular murder, rape, including systematic rape, sexual slavery and forced pregnancy require a particularly effective response. Gross and systematic violations and situations that constitute serious obstacles to the full enjoyment of human rights continue to occur in different parts of the world. Such violations and obstacles include, as well as torture and cruel, inhuman and degrading treatment or summary and arbitrary detention, all forms of racism, racial discrimination, xenophobia, denial of economic, social and cultural rights and religious intolerance.

134. Violations of human rights in situations of armed conflict and military occupation are violations of the fundamental principles of international human rights and humanitarian law as embodied in international human rights instruments and in the Geneva Conventions of 1949 and the Additional Protocols thereto. Gross human rights violations and policies of ethnic cleansing in war-torn and occupied areas continue to be carried out. These practices have created, inter alia, a mass flow of refugees and other displaced persons in need of international protection and internally displaced persons, the majority of whom are women, adolescent girls and children. Civilian victims, mostly women and children, often outnumber casualties among combatants. In addition, women often become caregivers for injured combatants and find themselves, as a result of conflict, unexpectedly cast as sole manager of household, sole parent, and caretaker of elderly relatives.
135. In a world of continuing instability and violence, the implementation of cooperative approaches to peace and security is urgently needed. The equal access and full participation of women in power structures and their full involvement in all efforts for the prevention and resolution of conflicts are essential for the maintenance and promotion of peace and security. Although women have begun to play an important role in conflict resolution, peace-keeping and defence and foreign affairs mechanisms, they are still underrepresented in decision-making positions. If women are to play an equal part in securing and maintaining peace, they must be empowered politically and economically and represented adequately at all levels of decision-making.
136. While entire communities suffer the consequences of armed conflict and terrorism, women and girls are particularly affected because of their status in society and their sex. Parties to conflict often rape women with impunity, sometimes using systematic rape as a tactic of war and terrorism. The impact of violence against women and violation of the human rights of women in such situations is experienced by women of all ages, who suffer displacement, loss of home and property, loss or involuntary disappearance of close relatives, poverty and family separation and disintegration, and who are victims of acts of murder, terrorism, torture, involuntary disappearance, sexual slavery, rape, sexual abuse and forced pregnancy in situations of armed conflict, especially as a result of policies of ethnic cleansing and other new and emerging forms of violence. This is compounded by the life-long social, economic and psychologically traumatic consequences of armed conflict and foreign occupation and alien domination.
137. Women and children constitute some 80 per cent of the world's millions of refugees and other displaced persons, including internally displaced persons. They are threatened by deprivation of property, goods and services and deprivation of their right to return to their homes of origin as well as by violence and insecurity. Particular attention should be paid to sexual violence against uprooted women and girls employed as a method of persecution in systematic campaigns of terror and intimidation and forcing members of a particular ethnic, cultural or religious group to flee their homes. Women may also be forced to flee as a result of a well-founded fear of persecution for reasons enumerated in the 1951 Convention relating to the Status of Refugees and the 1967 Protocol, including persecution through sexual violence or other gender-related persecution, and they continue to be vulnerable to violence and exploitation while in flight, in countries of asylum and resettlement and during and after repatriation. Women often experience difficulty in some countries of asylum in being recognised as refugees when the claim is based on such persecution.
138. Refugee, displaced and migrant women in most cases display strength, endurance and resourcefulness and can contribute positively to countries of resettlement or to their country of origin on their return. They need to be appropriately involved in decisions that affect them.



139. Many women's non-governmental organisations have called for reductions in military expenditures worldwide, as well as in international trade and trafficking in and the proliferation of weapons. Those affected most negatively by conflict and excessive military spending are people living in poverty, who are deprived because of the lack of investment in basic services. Women living in poverty, particularly rural women, also suffer because of the use of arms that are particularly injurious or have indiscriminate effects. There are more than 100 million anti-personnel land-mines scattered in 64 countries globally. The negative impact on development of excessive military expenditures, the arms trade, and investment for arms production and acquisition must be addressed. At the same time, maintenance of national security and peace is essential for economic growth and development and the empowerment of women.
141. During times of armed conflict and the collapse of communities, the role of women is crucial. They often work to preserve social order in the midst of armed and other conflicts. Women make an important but often unrecognised contribution as peace educators both in their families and in their societies.
142. Education to foster a culture of peace that upholds justice and tolerance for all nations and peoples is essential to attaining lasting peace and should be begun at an early age. It should include elements of conflict resolution, mediation, reduction of prejudice and respect for diversity.
143. In addressing armed or other conflicts, an active and visible policy of mainstreaming a gender perspective into all policies and programmes should be promoted so that before decisions are taken an analysis is made of the effects on women and men, respectively.

Strategic objective E.1. Increase the participation of women in conflict resolution at decision-making levels and protect women living in situations of armed and other conflicts or under foreign occupation

### **Actions to be taken**

144. By Governments and international and regional intergovernmental institutions:
- (a) Take action to promote equal participation of women and equal opportunities for women to participate in all forums and peace activities at all levels, particularly at the decision-making level, including in the United Nations Secretariat with due regard to equitable geographical distribution in accordance with Article 101 of the Charter of the United Nations;
  - (b) Strengthen the role of women and ensure equal representation of women at all decision-making levels in national and international institutions which may make or influence policy with regard to matters related to peace-keeping, preventive diplomacy and related activities and in all stages of peace mediation and negotiations, taking note of the specific recommendations of the Secretary-General in his strategic plan of action for the improvement of the status of women in the Secretariat (1995-2000) (A/49/587, sect. IV).;
  - (c) Integrate a gender perspective in the resolution of armed or other conflicts and foreign occupation and aim for gender balance when nominating or promoting candidates for judicial and other positions in all relevant international bodies, such as the United Nations International Tribunals for the former Yugoslavia and for Rwanda and the International Court of Justice, as well as in other bodies related to the peaceful settlement of disputes;
  - (d) Ensure that these bodies are able to address gender issues properly by providing appropriate training to prosecutors and judges and other officials in handling cases involving rape, forced pregnancy in situations of armed conflict, indecent assault and other forms of violence against women in armed conflicts, including terrorism, and integrate a gender perspective into their work;
  - (e) Strengthen the participation of women in processes of national reconciliation and reconstruction after all forms of conflict. Strategic objective E.2. Reduce excessive military expenditures and control the availability of armaments

### **Actions to be taken**

145. By Governments:

- (a) Increase and hasten, as appropriate, subject to national security considerations, the conversion of military resources and related industries to development and peaceful purposes;
- (b) Undertake to explore new ways of generating new public and private financial resources, inter alia, through the appropriate reduction of excessive military expenditures, including global military expenditures, trade in arms and investment in arms production and acquisition, taking into consideration national security requirements, so as to permit the possible allocation of additional funds for social and economic development, in particular for the advancement of women;
- (c) Take action to investigate and punish members of the police, security and armed forces and others who perpetrate acts of violence against women, violations of international humanitarian law and violations of the human rights of women in situations of armed conflict;
- (d) While acknowledging legitimate national defence needs, recognise and address the dangers to society of armed conflict and the negative effect of excessive military expenditures, trade in arms, especially those arms that are particularly injurious or have indiscriminate effects, and excessive investment in arms production and acquisition;

similarly, recognise the need to combat illicit arms trafficking, violence, crime, the production and use of and trafficking in illicit drugs, and trafficking in women and children;

- (e) Recognising that women and children are particularly affected by the indiscriminate use of anti-personnel land-mines:
  - (i) Undertake to work actively towards ratification, if they have not already done so, of the 1981 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, particularly the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II), with a view to universal ratification by the year 2000;
  - (ii) Undertake to strongly consider strengthening the Convention to promote a reduction in the casualties and intense suffering caused to the civilian population by the indiscriminate use of land-mines;
  - (iii) Undertake to promote assistance in mine clearance, notably by facilitating, in respect of the means of mine-clearing, the exchange of information, the transfer of technology and the promotion of scientific research;
  - (iv) Within the United Nations context, undertake to support efforts to coordinate a common response programme of assistance in demining without unnecessary discrimination;
  - (v) Adopt at the earliest possible date, if they have not already done so, a moratorium on the export of antipersonnel land-mines, including, to non-governmental entities, noting with satisfaction that many States have already declared moratoriums on the export, transfer or sale of such mines;
  - (vi) Undertake to encourage further international efforts to seek solutions to the problems caused by antipersonnel land-mines, with a view to their eventual elimination, recognising that States can move most effectively towards this goal as viable and humane alternatives are developed;
- (f) Recognising the leading role that women have played in the peace movement:
  - (i) Work actively towards general and complete disarmament under strict and effective international control;
  - (ii) Support negotiations on the conclusion, without delay, of a universal and multilaterally and effectively verifiable comprehensive nuclear-test-ban treaty that contributes to nuclear disarmament and the prevention of the proliferation of nuclear weapons in all its aspects;
  - (iii) Pending the entry into force of a comprehensive nuclear-test-ban treaty, exercise utmost restraint in respect of nuclear testing.

Strategic objective E.3. Promote non-violent forms of conflict resolution and reduce the incidence of human rights abuse in conflict situations

## Actions to be taken

### 146. By Governments:

- (a) Consider the ratification of or accession to international instruments containing provisions relative to the protection of women and children in armed conflicts, including the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 1949, the Protocols Additional to the Geneva Conventions of 1949 relating to the Protection of Victims of International Armed Conflicts (Protocol I) and to the Protection of Victims of Non-International Armed Conflicts (Protocol II);
- (b) Respect fully the norms of international humanitarian law in armed conflicts and take all measures required for the protection of women and children, in particular against rape, forced prostitution and any other form of indecent assault.

### 147. By Governments and international and regional organisations:

- (a) Reaffirm the right of self-determination of all peoples, in particular of peoples under colonial or other forms of alien domination or foreign occupation, and the importance of the effective realisation of this right, as enunciated, *inter alia*, in the Vienna Declaration and Programme of Action, 2/ adopted by the World Conference on Human Rights;
- (b) Encourage diplomacy, negotiation and peaceful settlement of disputes in accordance with the Charter of the United Nations, in particular Article 2, paragraphs 3 and 4 thereof;
- (d) Urge the identification and condemnation of the systematic practice of rape and other forms of inhuman and degrading treatment of women as a deliberate instrument of war and ethnic cleansing and take steps to ensure that full assistance is provided to the victims of such abuse for their physical and mental rehabilitation;
- (e) Reaffirm that rape in the conduct of armed conflict constitutes a war crime and under certain circumstances it constitutes a crime against humanity and an act of genocide as defined in the Convention on the Prevention and Punishment of the Crimes of Genocide; take all measures required for the protection of women and children from such acts and strengthen mechanisms to investigate and punish all those responsible and bring the perpetrators to justice;
- (f) Uphold and reinforce standards set out in international humanitarian law and international human rights instruments to prevent all acts of violence against women in situations of armed and other acts of conflict; undertake a full investigation of all acts of violence against women committed during war, including rape, in particular systematic rape, forced prostitution and other forms of indecent assault and sexual slavery, prosecute all criminals responsible for war crimes against women and provide full redress to women victims;
- (g) Call upon the international community to condemn and act against all forms and manifestations of terrorism;
- (h) Take into account gender-sensitive concerns in developing training programmes for all relevant personnel on international humanitarian law and human rights awareness and recommend such training for those involved in United Nations peace-keeping and humanitarian aid, with a view to preventing violence against women, in particular;
- (i) Discourage the adoption of and refrain from any unilateral measure that is not in accordance with international law and the Charter of the United Nations, that impedes the full achievement of economic and social development by the population of the affected countries, in particular women and children, that hinders their well-being and that creates obstacles to the full enjoyment of their human rights, including the right of everyone to a standard of living adequate for their health and well-being and their right to food, medical care and the necessary social services. This Conference reaffirms that food and medicine must not be used as a tool for political pressure;
- (j) Take measures in accordance with international law with a view to alleviating the negative impact of economic sanctions on women and children.

Strategic objective E.4. Promote women's contribution to fostering a culture of peace

### **Actions to be taken**

148. By Governments, international and regional intergovernmental institutions and non-governmental organisations:
- (a) Promote peaceful conflict resolution and peace, reconciliation and tolerance through education, training, community actions and youth exchange programmes, in particular for young women;
  - (b) In reviewing the implementation of the plan of action for the United Nations Decade for Human Rights Education (1995-2004), take into account the results of the Fourth World Conference on Women: Action for Equality, Development and Peace;
  - (c) Encourage the further development of peace research, involving the participation of women, to examine the impact of armed conflict on women and children and the nature and contribution of women's participation in national, regional and international peace movements; engage in research and identify innovative mechanisms for containing violence and for conflict resolution for public dissemination and for use by women and men;
  - (d) Develop and disseminate research on the physical, psychological, economic and social effects of armed conflicts on women, particularly young women and girls, with a view to developing policies and programmes to address the consequences of conflicts;
  - (e) Consider establishing educational programmes for girls and boys to foster a culture of peace, focusing on conflict resolution by non-violent means and the promotion of tolerance. Strategic objective E.5. Provide protection, assistance and training to refugee women, other displaced women in need of international protection and internally displaced women

### **Actions to be taken**

149. By Governments, intergovernmental and non-governmental organisations and other institutions involved in providing protection, assistance and training to refugee women, other displaced women in need of international protection and internally displaced women, including the Office of the United Nations High Commissioner for Refugees and the World Food Programme, as appropriate:
- (a) Take steps to ensure that women are fully involved in the planning, design, implementation, monitoring and evaluation of all short-term and long-term projects and programmes providing assistance to refugee women, other displaced women in need of international protection and internally displaced women, including the management of refugee camps and resources; ensure that refugee and displaced women and girls have direct access to the services provided;
  - (b) Offer adequate protection and assistance to women and children displaced within their country and find solutions to the root causes of their displacement with a view to preventing it and, when appropriate, facilitate their return or resettlement;
  - (c) Take steps to protect the safety and physical integrity of refugee women, other displaced women in need of international protection and internally displaced women during their displacement and upon their return to their communities of origin, including programmes of rehabilitation; take effective measures to protect from violence women who are refugees or displaced; hold an impartial and thorough investigation of any such violations and bring those responsible to justice;
  - (d) While fully respecting and strictly observing the principles of non-refoulement of refugees, take all the necessary steps to ensure the right of refugee and displaced women to return voluntarily to their place of origin in safety and with dignity, and their right to protection after their return;
  - (e) Take measures, at the national level with international cooperation, as appropriate, in accordance with the Charter of the United Nations, to find lasting solutions to questions related to internally displaced women, including their right to voluntary and safe return to their home of origin;

- (f) Ensure that the international community and its international organisations provide financial and other resources for emergency relief and other longer-term assistance that takes into account the specific needs, resources and potentials of refugee women, other displaced women in need of international protection and internally displaced women. In the provision of protection and assistance, take all appropriate measures to eliminate discrimination against women and girls in order to ensure equal access to appropriate and adequate food, water and shelter, education, and social and health services, including reproductive health care and maternity care and services to combat tropical diseases;
- (g) Facilitate the availability of educational material in the appropriate language - in emergency situations also - in order to minimise disruption of schooling among refugee and displaced children;
- (h) Apply international norms to ensure equal access and equal treatment of women and men in refugee determination procedures and the granting of asylum, including full respect and strict observation of the principle of non-refoulement through, inter alia, bringing national immigration regulations into conformity with relevant international instruments, and consider recognising as refugees those women whose claim to refugee status is based upon the well-founded fear of persecution for reasons enumerated in the 1951 Convention relating to the Status of Refugees and the 1967 Protocol, including persecution through sexual violence or other gender-related persecution, and provide access to specially trained officers, including female officials, to interview women regarding sensitive or painful experiences, such as sexual assault;
- (i) Support and promote efforts by States towards the development of criteria and guidelines on responses to persecution specifically aimed at women, by sharing information on States' initiatives to develop such criteria and guidelines and by monitoring to ensure their fair and consistent application;
- (j) Promote the self-reliant capacities of refugee women, other displaced women in need of international protection and internally displaced women and provide programmes for women, particularly young women, in leadership and decision-making within refugee and returnee communities;
- (k) Ensure that the human rights of refugee and displaced women are protected and that refugee and displaced women are made aware of these rights; ensure that the vital importance of family reunification is recognised;
- (l) Provide, as appropriate, women who have been determined refugees with access to vocational/professional training programmes, including language training, small-scale enterprise development training and planning and counselling on all forms of violence against women, which should include rehabilitation programmes for victims of torture and trauma; Governments and other donors should contribute adequately to assistance programmes for refugee women, other displaced women in need of international protection and internally displaced women, particularly taking into account the effects on the host countries of the increasing requirements of large refugee populations and the need to widen the donor base and to achieve greater burden-sharing;
- (m) Raise public awareness of the contribution made by refugee women to their countries of resettlement, promote understanding of their human rights and of their needs and abilities, and encourage mutual understanding and acceptance through educational programmes promoting cross-cultural and interracial harmony;
- (n) Provide basic and support services to women who are displaced from their place of origin as a result of terrorism, violence, drug trafficking or other reasons linked to violence situations;
- (o) Develop awareness of the human rights of women and provide, as appropriate, human rights education and training to military and police personnel operating in areas of armed conflict and areas where there are refugees.

150. By Governments:

- (a) Disseminate and implement the UNHCR Guidelines on the Protection of Refugee Women and the UNHCR Guidelines on Evaluation and Care of Victims of Trauma and Violence, or provide similar guidance, in close cooperation with refugee women and in all sectors of refugee programmes;
- (b) Protect women and children who migrate as family members from abuse or denial of their human rights by sponsors and consider extending their stay, should the family relationship dissolve, within the limits of national legislation.

Strategic objective E.6. Provide assistance to the women of the colonies and non-self- governing territories

### **Actions to be taken**

151. By Governments, intergovernmental and non- governmental organisations:

- (a) Support and promote the implementation of the right of self- determination of all peoples as enunciated, inter alia, in the Vienna Declaration and Programme of Action by providing special programmes in leadership and in training for decision- making;
- (b) Support and promote the implementation of the right of self- determination of all peoples as enunciated, inter alia, in the Vienna Declaration and Programme of Action by providing special programmes in leadership and in training for decision- making.

### **F. Women and the economy**

152. There are considerable differences in women's and men's access to and opportunities to exert power over economic structures in their societies. In most parts of the world, women are virtually absent from or are poorly represented in economic decision-making, including the formulation of financial, monetary, commercial and other economic policies, as well as tax systems and rules governing pay. Since it is often within the framework of such policies that individual men and women make their decisions, inter alia, on how to divide their time between remunerated and unremunerated work, the actual development of these economic structures and policies has a direct impact on women's and men's access to economic resources, their economic power and consequently the extent of equality between them at the individual and family levels as well as in society as a whole.

153. In many regions, women's participation in remunerated work in the formal and non-formal labour market has increased significantly and has changed during the past decade. While women continue to work in agriculture and fisheries, they have also become increasingly involved in micro, small and medium-sized enterprises and, in some cases, have become more dominant in the expanding informal sector. Due to, inter alia, difficult economic situations and a lack of bargaining power resulting from gender inequality, many women have been forced to accept low pay and poor working conditions and thus have often become preferred workers. On the other hand, women have entered the workforce increasingly by choice when they have become aware of and have demanded their rights. Some have succeeded in entering and advancing in the workplace and improving their pay and working conditions. However, women have been particularly affected by the economic situation and restructuring processes, which have changed the nature of employment and, in some cases, have led to a loss of jobs, even for professional and skilled women. In addition, many women have entered the informal sector due to the lack of other opportunities. Women's participation and gender concerns are still largely absent from and should be integrated in the policy formulation process of the multilateral institutions that define the terms and, in cooperation with Governments, set the goals of structural adjustment programmes, loans and grants.

154. Discrimination in education and training, hiring and remuneration, promotion and horizontal mobility practices, as well as inflexible working conditions, lack of access to productive resources and inadequate sharing of family responsibilities, combined with a lack of or insufficient services such as child care, continue to restrict employment, economic, professional and other opportunities and mobility for women and make their involvement stressful. Moreover, attitudinal obstacles inhibit women's participation in developing economic policy and in some regions restrict the access of women and girls to education and training for economic management.



155. Women's share in the labour force continues to rise and almost everywhere women are working more outside the household, although there has not been a parallel lightening of responsibility for unremunerated work in the household and community. Women's income is becoming increasingly necessary to households of all types. In some regions, there has been a growth in women's entrepreneurship and other self-reliant activities, particularly in the informal sector. In many countries, women are the majority of workers in non-standard work, such as temporary, casual, multiple part-time, contract and home-based employment.
156. Women migrant workers, including domestic workers, contribute to the economy of the sending country through their remittances and also to the economy of the receiving country through their participation in the labour force. Migrant women do, however, in many receiving countries, experience higher levels of unemployment compared with both non-migrant workers and male migrant workers.
157. Insufficient attention to gender analysis has meant that women's contributions and concerns remain too often ignored in economic structures, such as financial markets and institutions, labour markets, economics as an academic discipline, economic and social infrastructure, taxation and social security systems, as well as in families and households. As a result, many policies and programmes may continue to contribute to inequalities between women and men. Where progress has been made in integrating gender perspectives, programme and policy effectiveness has also been enhanced.
158. Although many women have advanced in economic structures, for the majority of women, particularly those who face additional barriers, continuing obstacles have hindered women's ability to achieve economic autonomy and to ensure sustainable livelihoods for themselves and their dependants. Women are active in a variety of economic areas, which they often combine, ranging from wage labour and subsistence farming and fishing to the informal sector. However, legal and customary barriers to ownership of or access to land, natural resources, capital, credit, technology and other means of production, as well as wage differentials, contribute to impeding the economic progress of women. Women contribute to development not only through remunerated work but also through a great deal of unremunerated work. On the one hand, women participate in the production of goods and services for the market and household consumption, in agriculture, food production or family enterprises. Though included in the United Nations System of National Accounts and in international standards for labour statistics, this unremunerated work - particularly that related to agriculture - is often undervalued and under-recorded. On the other hand, women still also perform the great majority of unremunerated domestic work and community work, such as caring for children and older persons, preparing food for the family, protecting the environment and providing voluntary assistance to vulnerable and disadvantaged individuals and groups. This work is often not measured in quantitative terms and is not valued in national accounts. Women's contribution to development is seriously underestimated, and thus its social recognition is limited. The full visibility of the type, extent and distribution of this unremunerated work will also contribute to a better sharing of responsibilities.
159. Although some new employment opportunities have been created for women as a result of the globalisation of the economy, there are also trends that have exacerbated inequalities between women and men. At the same time, globalisation, including economic integration, can create pressures on the employment situation of women to adjust to new circumstances and to find new sources of employment as patterns of trade change. More analysis needs to be done of the impact of globalisation on women's economic status.
160. These trends have been characterised by low wages, little or no labour standards protection, poor working conditions, particularly with regard to women's occupational health and safety, low skill levels, and a lack of job security and social security, in both the formal and informal sectors. Women's unemployment is a serious and increasing problem in many countries and sectors. Young workers in the informal and rural sectors and migrant female workers remain the least protected by labour and immigration laws. Women, particularly those who are heads of households with young children, are limited in their employment opportunities for reasons that include inflexible working conditions and inadequate sharing, by men and by society, of family responsibilities.

161. In countries that are undergoing fundamental political, economic and social transformation, the skills of women, if better utilised, could constitute a major contribution to the economic life of their respective countries. Their input should continue to be developed and supported and their potential further realised.
162. Lack of employment in the private sector and reductions in public services and public service jobs have affected women disproportionately. In some countries, women take on more unpaid work, such as the care of children and those who are ill or elderly, compensating for lost household income, particularly when public services are not available. In many cases, employment creation strategies have paid insufficient attention to occupations and sectors where women predominate; nor have they adequately promoted the access of women to those occupations and sectors that are traditionally male.
163. For those women in paid work, many experience obstacles that prevent them from achieving their potential. While some are increasingly found in lower levels of management, attitudinal discrimination often prevents them from being promoted further. The experience of sexual harassment is an affront to a worker's dignity and prevents women from making a contribution commensurate with their abilities. The lack of a family-friendly work environment, including a lack of appropriate and affordable child care, and inflexible working hours further prevent women from achieving their full potential.
164. In the private sector including transnational and national enterprises, women are largely absent from management and policy levels, denoting discriminatory hiring and promotion policies and practices. The unfavourable work environment as well as the limited number of employment opportunities available have led many women to seek alternatives. Women have increasingly become self-employed and owners and managers of micro, small and medium-scale enterprises. The expansion of the informal sector, in many countries, and of self-organised and independent enterprises is in large part due to women, whose collaborative, self-help and traditional practices and initiatives in production and trade represent a vital economic resource. When they gain access to and control over capital, credit and other resources, technology and training, women can increase production, marketing and income for sustainable development.
165. Taking into account the fact that continuing inequalities and noticeable progress coexist, rethinking employment policies is necessary in order to integrate the gender perspective and to draw attention to a wider range of opportunities as well as to address any negative gender implications of current patterns of work and employment. To realise fully equality between women and men in their contribution to the economy, active efforts are required for equal recognition and appreciation of the influence that the work, experience, knowledge and values of both women and men have in society.
166. In addressing the economic potential and independence of women, Governments and other actors should promote an active and visible policy of mainstreaming a gender perspective in all policies and programmes so that before decisions are taken, an analysis is made of the effects on women and men, respectively.

Strategic objective F.1. Promote women's economic rights and independence, including access to employment and appropriate working conditions and control over economic resources

### **Actions to be taken**

167. By Governments:
  - (a) Enact and enforce legislation to guarantee the rights of women and men to equal pay for equal work or work of equal value;
  - (b) Adopt and implement laws against discrimination based on sex in the labour market, especially considering older women workers, hiring and promotion, the extension of employment benefits and social security, and working conditions;
  - (c) Eliminate discriminatory practices by employers and take appropriate measures in consideration of women's reproductive role and functions, such as the denial of employment and dismissal due to

pregnancy or breast-feeding, or requiring proof of contraceptive use, and take effective measures to ensure that pregnant women, women on maternity leave or women re-entering the labour market after childbearing are not discriminated against;

- (d) Devise mechanisms and take positive action to enable women to gain access to full and equal participation in the formulation of policies and definition of structures through such bodies as ministries of finance and trade, national economic commissions, economic research institutes and other key agencies, as well as through their participation in appropriate international bodies;
- (e) Undertake legislation and administrative reforms to give women equal rights with men to economic resources, including access to ownership and control over land and other properties, credit, inheritance, natural resources, and appropriate new technology;
- (f) Conduct reviews of national income and inheritance tax and social security systems to eliminate any existing bias against women;
- (g) Seek to develop a more comprehensive knowledge of work and employment through, inter alia, efforts to measure and better understand the type, extent and distribution of unremunerated work, particularly work in caring for dependants and unremunerated work done for family farms or businesses, and encourage the sharing and dissemination of information on studies and experience in this field, including the development of methods for assessing its value in quantitative terms, for possible reflection in accounts that may be produced separately from, but consistent with, core national accounts;
- (i) Review and amend laws governing the operation of financial institutions to ensure that they provide services to women and men on an equal basis;
- (j) Facilitate, at appropriate levels, more open and transparent budget processes;
- (k) Revise and implement national policies that support the traditional savings, credit and lending mechanisms for women;
- (l) Seek to ensure that national policies related to international and regional trade agreements do not adversely impact women's new and traditional economic activities;
- (m) Ensure that all corporations, including transnational corporations, comply with national laws and codes, social security regulations, applicable international agreements, instruments and conventions, including those related to the environment, and other relevant laws;
- (n) Adjust employment policies to facilitate the restructuring of work patterns in order to promote the sharing of family responsibilities;
- (o) Establish mechanisms and other forums to enable women entrepreneurs and women workers to contribute to the formulation of policies and programmes being developed by economic ministries and financial institutions;
- (p) Enact and enforce equal opportunity laws, take positive action and ensure compliance by the public and private sectors through various means;
- (q) Use gender-impact analysis in the development of macro- and micro-economic and social policies in order to monitor such impact and restructure policies in cases where harmful impact occurs;
- (r) Promote gender-sensitive policies and measures to empower women as equal partners with men in technical, managerial and entrepreneurial fields;
- (s) Reform laws or enact national policies that support the establishment of labour laws to ensure the protection of all women workers, including safe work practices, the right to organise and access to justice. Strategic objective F.2. Facilitate women's equal access to resources, employment, markets and trade

## Actions to be taken

168. By Governments:

- (a) Promote and support women's self-employment and the development of small enterprises, and strengthen women's access to credit and capital on appropriate terms equal to those of men through the scaling-up of institutions dedicated to promoting women's entrepreneurship, including, as appropriate, non-traditional and mutual credit schemes, as well as innovative linkages with financial institutions;
- (b) Strengthen the incentive role of the State as employer to develop a policy of equal opportunities for women and men;
- (c) Enhance, at the national and local levels, rural women's income-generating potential by facilitating their equal access to and control over productive resources, land, credit, capital, property rights, development programmes and cooperative structures;
- (d) Promote and strengthen micro-enterprises, new small businesses, cooperative enterprises, expanded markets and other employment opportunities and, where appropriate, facilitate the transition from the informal to the formal sector, especially in rural areas;
- (e) Create and modify programmes and policies that recognise and strengthen women's vital role in food security and provide paid and unpaid women producers, especially those involved in food production, such as farming, fishing and aquaculture, as well as urban enterprises, with equal access to appropriate technologies, transportation, extension services, marketing and credit facilities at the local and community levels;
- (f) Establish appropriate mechanisms and encourage intersectoral institutions that enable women's cooperatives to optimise access to necessary services;
- (g) Increase the proportion of women extension workers and other government personnel who provide technical assistance or administer economic programmes;
- (h) Review, reformulate, if necessary, and implement policies, including business, commercial and contract law and government regulations, to ensure that they do not discriminate against micro, small and medium-scale enterprises owned by women in rural and urban areas;
- (i) Analyse, advise on, coordinate and implement policies that integrate the needs and interests of employed, self-employed and entrepreneurial women into sectoral and inter-ministerial policies, programmes and budgets;
- (j) Ensure equal access for women to effective job training, retraining, counselling and placement services that are not limited to traditional employment areas;
- (k) Remove policy and regulatory obstacles faced by women in social and development programmes that discourage private and individual initiative;
- (l) Safeguard and promote respect for basic workers' rights, including the prohibition of forced labour and child labour, freedom of association and the right to organise and bargain collectively, equal remuneration for men and women for work of equal value and non-discrimination in employment, fully implementing the conventions of the International Labour Organisation in the case of States party to those conventions and, taking into account the principles embodied in the case of those countries that are not party to those conventions in order to achieve truly sustained economic growth and sustainable development.

169. By Governments, central banks and national development banks, and private banking institutions, as appropriate:

- (a) Increase the participation of women, including women entrepreneurs, in advisory boards and other forums to enable women entrepreneurs from all sectors and their organisations to contribute to the formulation and review of policies and programmes being developed by economic ministries and banking institutions;

- (b) Mobilise the banking sector to increase lending and refinancing through incentives and the development of intermediaries that serve the needs of women entrepreneurs and producers in both rural and urban areas, and include women in their leadership, planning and decision-making;
  - (c) Structure services to reach rural and urban women involved in micro, small and medium-scale enterprises, with special attention to young women, low-income women, those belonging to ethnic and racial minorities, and indigenous women who lack access to capital and assets; and expand women's access to financial markets by identifying and encouraging financial supervisory and regulatory reforms that support financial institutions' direct and indirect efforts to better meet the credit and other financial needs of the micro, small and medium-scale enterprises of women;
  - (d) Ensure that women's priorities are included in public investment programmes for economic infrastructure, such as water and sanitation, electrification and energy conservation, transport and road construction. Promote greater involvement of women beneficiaries at the project planning and implementation stages to ensure access to jobs and contracts.
170. By Governments and non-governmental organisations:
- (a) Pay special attention to women's needs when disseminating market, trade and resource information and provide appropriate training in these fields;
  - (b) Encourage community economic development strategies that build on partnerships among Governments, and encourage members of civil society to create jobs and address the social circumstances of individuals, families and communities.
171. By multilateral funders and regional development banks, as well as bilateral and private funding agencies, at the international, regional and subregional levels:
- (a) Review, where necessary reformulate, and implement policies, programmes and projects, to ensure that a higher proportion of resources reach women in rural and remote areas;
  - (b) Develop flexible funding arrangements to finance intermediary institutions that target women's economic activities, and promote self-sufficiency and increased capacity in and profitability of women's economic enterprises;
  - (c) Develop strategies to consolidate and strengthen their assistance to the micro, small and medium-scale enterprise sector, in order to enhance the opportunities for women to participate fully and equally and work together to coordinate and enhance the effectiveness of this sector, drawing upon expertise and financial resources from within their own organisations as well as from bilateral agencies, Governments and non-governmental organisations.
172. By international, multilateral and bilateral development cooperation organisations: Support, through the provision of capital and/or resources, financial institutions that serve low-income, small and micro-scale women entrepreneurs and producers in both the formal and informal sectors.
173. By Governments and/or multilateral financial institutions: Review rules and procedures of formal national and international financial institutions that obstruct replication of the Grameen Bank prototype, which provides credit facilities to rural women.
174. By international organisations:
- Provide adequate support for programmes and projects designed to promote sustainable and productive entrepreneurial activities among women, in particular the disadvantaged.
- Strategic objective F.3. Provide business services, training and access to markets, information and technology, particularly to low-income women

## Actions to be taken

175. By Governments in cooperation with non-governmental organisations and the private sector:
- (a) Provide public infrastructure to ensure equal market access for women and men entrepreneurs;

- (b) Develop programmes that provide training and retraining, particularly in new technologies and affordable services to women in business management, product development, financing, production and quality control, marketing and the legal aspects of business;
- (c) Provide outreach programmes to inform low-income and poor women, particularly in rural and remote areas, of opportunities for market and technology access, and provide assistance in taking advantage of such opportunities;
- (d) Create non-discriminatory support services, including investment funds for women's businesses, and target women, particularly low-income women, in trade promotion programmes;
- (e) Disseminate information about successful women entrepreneurs in both traditional and non-traditional economic activities and the skills necessary to achieve success;

facilitate networking and the exchange of information;

- (f) Take measures to ensure equal access of women to ongoing training in the workplace, including unemployed women, single parents, women re-entering the labour market after an extended temporary exit from employment owing to family responsibilities and other causes, and women displaced by new forms of production or by retrenchment, and increase incentives to enterprises to expand the number of vocational and training centres that provide training for women in non-traditional areas;
- (g) Provide affordable support services, such as high-quality, flexible and affordable child-care services, that take into account the needs of working men and women.

176. By local, national, regional and international business organisations and non-governmental organisations concerned with women's issues:

Advocate, at all levels, for the promotion and support of women's businesses and enterprises, including those in the informal sector, and the equal access of women to productive resources.

Strategic objective F.4. Strengthen women's economic capacity and commercial networks

## **Actions to be taken**

177. By Governments:

- (a) Adopt policies that support business organisations, non-governmental organisations, cooperatives, revolving loan funds, credit unions, grass-roots organisations, women's self-help groups and other groups in order to provide services to women entrepreneurs in rural and urban areas;
- (b) Integrate a gender perspective into all economic restructuring and structural adjustment policies and design programmes for women who are affected by economic restructuring, including structural adjustment programmes, and for women who work in the informal sector;
- (c) Adopt policies that create an enabling environment for women's self-help groups, workers' organisations and cooperatives through non-conventional forms of support and by recognising the right to freedom of association and the right to organise;
- (d) Support programmes that enhance the self-reliance of special groups of women, such as young women, women with disabilities, elderly women and women belonging to racial and ethnic minorities;
- (e) Promote gender equality through the promotion of women's studies and through the use of the results of studies and gender research in all fields, inter alia, in the economic, scientific and technological fields;
- (f) Support the economic activities of indigenous women, taking into account their traditional knowledge, so as to improve their situation and development;
- (g) Adopt policies to extend or maintain the protection of labour laws and social security provisions for those who do paid work in the home;



- (h) Recognise and encourage the contribution of research by women scientists and technologists;
  - (i) Ensure that policies and regulations do not discriminate against micro, small and medium-scale enterprises run by women.
178. By financial intermediaries, national training institutes, credit unions, non-governmental organisations, women's associations, professional organisations and the private sector, as appropriate:
- (a) Provide, at national, regional and international levels, training in a variety of business-related and financial management and technical skills to enable women, especially young women, to participate in economic policy-making at those levels;
  - (b) Provide business services, including marketing and trade information, product design and innovation, technology transfer and quality, to women's business enterprises, including those in export sectors of the economy;
  - (c) Promote technical and commercial links and establish joint ventures among women entrepreneurs at the national, regional and international levels to support community-based initiatives;
  - (d) Strengthen women's participation in production and marketing cooperatives by providing marketing and financial support, especially in rural and remote areas, including marginalised women;
  - (e) Promote and strengthen women's micro-enterprises, new small businesses, cooperative enterprises, expanded markets and other employment opportunities and, where appropriate, facilitate the transition from the informal to the formal sector, in rural and urban areas;
  - (f) Invest capital and develop investment portfolios to finance women's business enterprises;
  - (g) Give adequate attention to providing technical assistance, advisory services, training and retraining for women connected with the entry to the market economy;
  - (h) Support credit networks and innovative ventures, including traditional savings schemes;
  - (i) Provide networking arrangements for entrepreneurial women, including opportunities for the mentoring of inexperienced women by the more experienced;
  - (j) Encourage community organisations and public authorities to establish loan pools for women entrepreneurs, drawing on successful small-scale cooperative models.
179. By the private sector, including transnational and national corporations:
- (a) Adopt policies and establish mechanisms to grant contracts on a non-discriminatory basis;
  - (b) Recruit women for leadership, decision-making and management and provide training programmes, all on an equal basis with men;
  - (c) Observe national labour, environment, consumer, health and safety laws, particularly those that affect women. Strategic objective F.5. Eliminate occupational segregation and all forms of employment discrimination

## **Actions to be taken**

180. By Governments, employers, employees, trade unions and women's organisations:
- (a) Implement and enforce laws and regulations and encourage voluntary codes of conduct that ensure that international labour standards, such as International Labour Organisation Convention 100 on equal pay and workers' rights, apply equally to female and male workers;
  - (b) Enact and enforce laws and introduce implementing measures, including means of redress and access to justice in cases of non-compliance, to prohibit direct and indirect discrimination on grounds of sex, including by reference to marital or family status in relation to access to employment, conditions of employment, including training, promotion, health and safety, as well as termination of employment and social security of workers, including legal protection against sexual and racial harassment;

- (c) Enact and enforce laws and develop workplace policies against gender discrimination in the labour market, especially considering older women workers, in hiring and promotion, and in the extension of employment benefits and social security, as well as regarding discriminatory working conditions and sexual harassment; mechanisms should be developed for the regular review and monitoring of such laws;
- (d) Eliminate discriminatory practices by employers on the basis of women's reproductive roles and functions, including refusal of employment and dismissal of women due to pregnancy and breast-feeding responsibilities;
- (e) Develop and promote employment programmes and services for women entering and/or re-entering the labour market, especially poor urban, rural and young women, the self-employed and those negatively affected by structural adjustment;
- (f) Implement and monitor positive public and private-sector employment, equity and positive action programmes to address systemic discrimination against women in the labour force, in particular women with disabilities and women belonging to other disadvantaged groups, with respect to hiring, retention and promotion, and vocational training of women in all sectors;
- (g) Eliminate occupational segregation, especially by promoting the equal participation of women in highly skilled jobs and senior management positions, and through other measures, such as counselling and placement, that stimulate their on-the-job career development and upward mobility in the labour market, and by stimulating the diversification of occupational choices by both women and men. Encourage women to take up non-traditional jobs, especially in science and technology and encourage men to seek employment in the social sector;
- (h) Recognise collective bargaining as a right and as an important mechanism for eliminating wage inequality for women and to improve working conditions;
- (i) Promote the election of women trade union officials and ensure that trade union officials elected to represent women are given job protection and physical security in connection with the discharge of their functions;
- (j) Ensure access to and develop special programmes to enable women with disabilities to obtain and retain employment, and ensure access to education and training at all proper levels, in accordance with the Standard Rules on the Equalisation of Opportunities for People with Disabilities; 25/ adjust, to the extent possible, working conditions in order to suit the needs of women with disabilities, who should be secured legal protection against unfounded job loss on account of their disabilities;
- (k) Increase efforts to close the gap between women's and men's pay, take steps to implement the principle of equal remuneration for equal work of equal value by strengthening legislation, including compliance with international labour laws and standards, and encourage job evaluation schemes with gender-neutral criteria;
- (l) Establish and/or strengthen mechanisms to adjudicate matters relating to wage discrimination;
- (m) Set specific target dates for eliminating all forms of child labour that are contrary to accepted international standards and ensure the full enforcement of relevant existing laws and, where appropriate, enact the legislation necessary to implement the Convention on the Rights of the Child and International Labour Organisation standards, ensuring the protection of working children, in particular, street children, through the provision of appropriate health, education and other social services;
- (n) Ensure that the strategies to eliminate child labour also address the excessive demands made on some girls for unpaid work in their household and other households, where practised;
- (o) Review, analyse and, where appropriate, reformulate the wage structures in female-dominated professions, such as teaching, nursing and child care, with a view to raising their low status and earnings;
- (p) Facilitate the productive employment of documented migrant women (including women who have been determined refugees according to the 1951 Convention relating to the Status of Refugees)

through greater recognition of foreign education and credentials and by adopting an integrated approach to labour market training that incorporates language training. Strategic objective F.6. Promote harmonisation of work and family responsibilities for women and men

## Actions to be taken

181. By Governments:

- (a) Adopt policies to ensure the appropriate protection of labour laws and social security benefits for part-time, temporary, seasonal and home-based workers; promote career development based on work conditions that harmonise work and family responsibilities;
- (b) Ensure that full and part-time work can be freely chosen by women and men on an equal basis, and consider appropriate protection for atypical workers in terms of access to employment, working conditions, and social security;
- (c) Ensure, through legislation, incentives and/or encouragement, opportunities for women and men to take job-protected parental leave and to have parental benefits. Promote the equal sharing of responsibilities for the family by men and women, including through appropriate legislation, incentives and/or encouragement, and also promote the facilitation of breast-feeding for working mothers;
- (d) Develop policies, inter alia, in education to change attitudes that reinforce the division of labour based on gender in order to promote the concept of shared family responsibility for work in the home, particularly in relation to children and elder care;
- (e) Improve the development of, and access to, technologies that facilitate occupational as well as domestic work, encourage self-support, generate income, transform gender-prescribed roles within the productive process and enable women to move out of low-paying jobs;
- (f) Examine a range of policies and programmes, including social security legislation and taxation systems, in accordance with national priorities and policies, to determine how to promote gender equality and flexibility in the way people divide their time between and derive benefits from education and training, paid employment, family responsibilities, volunteer activity and other socially useful forms of work, rest and leisure.

182. By Governments, the private sector and non-governmental organisations, trade unions and the United Nations, as appropriate:

- (a) Adopt appropriate measures involving relevant governmental bodies and employers' and employees' associations so that women and men are able to take temporary leave from employment, have transferable employment and retirement benefits and make arrangements to modify work hours without sacrificing their prospects for development and advancement at work and in their careers;
- (b) Design and provide educational programmes through innovative media campaigns and school and community education programmes to raise awareness on gender equality and non-stereotyped gender roles of women and men within the family;

provide support services and facilities, such as on-site child care at workplaces and flexible working arrangements;

- (c) Enact and enforce laws against sexual and other forms of harassment in all workplaces.

## G. Women in power and decision-making

183. The Universal Declaration of Human Rights states that everyone has the right to take part in the Government of his/her country. The empowerment and autonomy of women and the improvement of women's social, economic and political status is essential for the achievement of both transparent and accountable government and administration and sustainable development in all areas of life. The power relations that impede women's attainment of fulfilling lives operate at many levels of society, from the

most personal to the highly public. Achieving the goal of equal participation of women and men in decision-making will provide a balance that more accurately reflects the composition of society and is needed in order to strengthen democracy and promote its proper functioning. Equality in political decision-making performs a leverage function without which it is highly unlikely that a real integration of the equality dimension in government policy-making is feasible. In this respect, women's equal participation in political life plays a pivotal role in the general process of the advancement of women. Women's equal participation in decision-making is not only a demand for simple justice or democracy but can also be seen as a necessary condition for women's interests to be taken into account. Without the active participation of women and the incorporation of women's perspective at all levels of decision-making, the goals of equality, development and peace cannot be achieved.

184. Despite the widespread movement towards democratisation in most countries, women are largely underrepresented at most levels of government, especially in ministerial and other executive bodies, and have made little progress in attaining political power in legislative bodies or in achieving the target endorsed by the Economic and Social Council of having 30 per cent women in positions at decision-making levels by 1995. Globally, only 10 per cent of the members of legislative bodies and a lower percentage of ministerial positions are now held by women. Indeed, some countries, including those that are undergoing fundamental political, economic and social changes, have seen a significant decrease in the number of women represented in legislative bodies. Although women make up at least half of the electorate in almost all countries and have attained the right to vote and hold office in almost all States Members of the United Nations, women continue to be seriously underrepresented as candidates for public office. The traditional working patterns of many political parties and government structures continue to be barriers to women's participation in public life. Women may be discouraged from seeking political office by discriminatory attitudes and practices, family and child-care responsibilities, and the high cost of seeking and holding public office. Women in politics and decision-making positions in Governments and legislative bodies contribute to redefining political priorities, placing new items on the political agenda that reflect and address women's gender-specific concerns, values and experiences, and providing new perspectives on mainstream political issues.
185. Women have demonstrated considerable leadership in community and informal organisations, as well as in public office. However, socialisation and negative stereotyping of women and men, including stereotyping through the media, reinforces the tendency for political decision-making to remain the domain of men. Likewise, the underrepresentation of women in decision-making positions in the areas of art, culture, sports, the media, education, religion and the law have prevented women from having a significant impact on many key institutions.
186. Owing to their limited access to the traditional avenues to power, such as the decision-making bodies of political parties, employer organisations and trade unions, women have gained access to power through alternative structures, particularly in the non-governmental organisation sector. Through non-governmental organisations and grass-roots organisations, women have been able to articulate their interests and concerns and have placed women's issues on the national, regional and international agendas.
187. Inequality in the public arena can often start with discriminatory attitudes and practices and unequal power relations between women and men within the family, as described in paragraph 30. The unequal division of labour and responsibilities within households based on unequal power relations also limits women's potential to find the time and develop the skills required for participation in decision-making in wider public forums. A more equal sharing of those responsibilities between women and men not only provides a better quality of life for women and their daughters but also enhances their opportunities to shape and design public policy, practice and expenditure so that their interests may be recognised and addressed. Non-formal networks and patterns of decision-making at the local community level that reflect a dominant male ethos restrict women's ability to participate equally in political, economic and social life.
188. The low proportion of women among economic and political decision makers at the local, national, regional and international levels reflects structural and attitudinal barriers that need to be addressed through positive measures. Governments, transnational and national corporations, the mass media,

banks, academic and scientific institutions, and regional and international organisations, including those in the United Nations system, do not make full use of women's talents as top-level managers, policy makers, diplomats and negotiators.

189. The equitable distribution of power and decision-making at all levels is dependent on Governments and other actors undertaking statistical gender analysis and mainstreaming a gender perspective in policy development and the implementation of programmes. Equality in decision-making is essential to the empowerment of women. In some countries, affirmative action has led to 33.3 per cent or larger representation in local and national Governments.
190. National, regional and international statistical institutions still have insufficient knowledge of how to present the issues related to the equal treatment of women and men in the economic and social spheres. In particular, there is insufficient use of existing databases and methodologies in the important sphere of decision-making.
191. In addressing the inequality between men and women in the sharing of power and decision-making at all levels, Governments and other actors should promote an active and visible policy of mainstreaming a gender perspective in all policies and programmes so that before decisions are taken, an analysis is made of the effects on women and men, respectively.

Strategic objective G.1. Take measures to ensure women's equal access to and full participation in power structures and decision-making

### **Actions to be taken**

192. By Governments:

- (a) Commit themselves to establishing the goal of gender balance in governmental bodies and committees, as well as in public administrative entities, and in the judiciary, including, inter alia, setting specific targets and implementing measures to substantially increase the number of women with a view to achieving equal representation of women and men, if necessary through positive action, in all governmental and public administration positions;
- (b) Take measures, including where appropriate, in electoral systems that encourage political parties to integrate women in elective and non-elective public positions in the same proportion and levels as men.;
- (c) Protect and promote the equal rights of women and men to engage in political activities and to freedom of association, including membership in political parties and trade unions;
- (d) Review the differential impact of electoral systems on the political representation of women in elected bodies and consider, where appropriate, the adjustment or reform of those systems;
- (e) Monitor and evaluate progress on the representation of women through the regular collection, analysis and dissemination of quantitative and qualitative data on women and men at all levels in various decision-making positions in the public and private sectors, and disseminate data on the number of women and men employed at various levels in Governments on a yearly basis; ensure that women and men have equal access to the full range of public appointments and set up mechanisms within governmental structures for monitoring progress in this field;
- (f) Support non-governmental organisations and research institutes that conduct studies on women's participation in and impact on decision-making and the decision-making environment;
- (g) Encourage greater involvement of indigenous women in decision-making at all levels;
- (h) Encourage and, where appropriate, ensure that government-funded organisations adopt non-discriminatory policies and practices in order to increase the number and raise the position of women in their organisations;
- (i) Recognise that shared work and parental responsibilities between women and men promote women's increased participation in public life, and take appropriate measures to achieve this, including measures to reconcile family and professional life;

- (j) Aim at gender balance in the lists of national candidates nominated for election or appointment to United Nations bodies, specialised agencies and other autonomous organisations of the United Nations system, particularly for posts at the senior level.
193. By political parties:
- (a) Consider examining party structures and procedures to remove all barriers that directly or indirectly discriminate against the participation of women;
  - (b) Consider developing initiatives that allow women to participate fully in all internal policy-making structures and appointive and electoral nominating processes;
  - (c) Consider incorporating gender issues in their political agenda taking measures to ensure that women can participate in the leadership of political parties on an equal basis with men.
194. By Governments, national bodies, the private sector, political parties, trade unions, employers' organisations, research and academic institutions, subregional and regional bodies, and non-governmental and international organisations:
- (a) Take positive action to build a critical mass of women leaders, executives and managers in strategic decision-making positions;
  - (b) Create or strengthen, as appropriate, mechanisms to monitor women's access to senior levels of decision-making;
  - (c) Review the criteria for recruitment and appointment to advisory and decision-making bodies and promotion to senior positions to ensure that such criteria are relevant and do not discriminate against women;
  - (d) Encourage efforts by non-governmental organisations, trade unions and the private sector to achieve equality between women and men in their ranks, including equal participation in their decision-making bodies and in negotiations in all areas and at all levels;
  - (e) Develop communications strategies to promote public debate on the new roles of men and women in society and in the family (as defined in paragraph 30);
  - (f) Restructure recruitment and career-development programmes to ensure that all women, especially young women, have equal access to managerial, entrepreneurial, technical and leadership training, including on-the-job training;
  - (g) Develop career advancement programmes for women of all ages that include career planning, tracking, mentoring, coaching, training and retraining;
  - (h) Encourage and support the participation of women's non-governmental organisations in United Nations conferences and their preparatory processes;
  - (i) Aim at and support gender balance in the composition of delegations to the United Nations and other international forums.
195. By the United Nations:
- (a) Implement existing and adopt new employment policies and measures in order to achieve overall gender equality, particularly at the Professional level and above, by the year 2000, with due regard to the importance of recruiting staff on as wide a geographical basis as possible, in conformity with Article 101, paragraph 3, of the Charter of the United Nations;
  - (b) Develop mechanisms to nominate women candidates for appointment to senior posts in the United Nations, the specialised agencies and other organisations and bodies of the United Nations system;
  - (c) Continue to collect and disseminate quantitative and qualitative data on women and men in decision-making and analyse their differential impact on decision-making and monitor progress towards achieving the Secretary-General's target of having women hold 50 per cent of managerial and decision-making positions by the year 2000.



196. By women's organisations, non-governmental organisations, trade unions, social partners, producers, and industrial and professional organisations:
- (a) Build and strengthen solidarity among women through information, education and sensitisation activities;
  - (b) Advocate at all levels to enable women to influence political, economic and social decisions, processes and systems, and work towards seeking accountability from elected representatives on their commitment to gender concerns;
  - (c) Establish, consistent with data protection legislation, databases on women and their qualification for use in appointing women to senior decision-making and advisory positions, for dissemination to Governments, regional and international organisations and private enterprise, political parties and other relevant bodies. Strategic objective G.2. Increase women's capacity to participate in decision-making and leadership Actions to be taken
197. By Governments, national bodies, the private sector, political parties, trade unions, employers' organisations, subregional and regional bodies, non-governmental and international organisations and educational institutions:
- (a) Provide leadership and self-esteem training to assist women and girls, particularly those with special needs, women with disabilities and women belonging to racial and ethnic minorities to strengthen their self-esteem and to encourage them to take decision-making positions;
  - (b) Have transparent criteria for decision-making positions and ensure that the selecting bodies have a gender-balanced composition;
  - (c) Create a system of mentoring for inexperienced women and, in particular, offer training, including training in leadership and decision-making, public speaking and self-assertion, as well as in political campaigning;
  - (d) Provide gender-sensitive training for women and men to promote non-discriminatory working relationships and respect for diversity in work and management styles;
  - (e) Develop mechanisms and training to encourage women to participate in the electoral process, political activities and other leadership areas. H. Institutional mechanisms for the advancement of women
198. National machineries for the advancement of women have been established in almost every Member State to, inter alia, design, promote the implementation of, execute, monitor, evaluate, advocate and mobilise support for policies that promote the advancement of women. National machineries are diverse in form and uneven in their effectiveness, and in some cases have declined. Often marginalised in national government structures, these mechanisms are frequently hampered by unclear mandates, lack of adequate staff, training, data and sufficient resources, and insufficient support from national political leadership.
199. At the regional and international levels, mechanisms and institutions to promote the advancement of women as an integral part of mainstream political, economic, social and cultural development, and of initiatives on development and human rights, encounter similar problems emanating from a lack of commitment at the highest levels.
200. Successive international conferences have underscored the need to take gender factors into account in policy and programme planning. However, in many instances this has not been done.
201. Regional bodies concerned with the advancement of women have been strengthened, together with international machinery, such as the Commission on the Status of Women and the Committee on the Elimination of Discrimination against Women.
202. Methodologies for conducting gender-based analysis in policies and programmes and for dealing with the differential effects of policies on women and men have been developed in many organisations and are available for application but are often not being applied or are not being applied consistently.

203. A national machinery for the advancement of women is the central policy-coordinating unit inside government. Its main task is to support government-wide mainstreaming of a gender-equality perspective in all policy areas. The necessary conditions for an effective functioning of such national machineries include:
- (a) Location at the highest possible level in the government, falling under the responsibility of a Cabinet minister;
  - (b) Institutional mechanisms or processes that facilitate, as appropriate, decentralised planning, implementation and monitoring with a view to involving non-governmental organisations and community organisations from the grass-roots upwards;
  - (c) Sufficient resources in terms of budget and professional capacity;
  - (d) Opportunity to influence development of all government policies.
204. In addressing the issue of mechanisms for promoting the advancement of women, Governments and other actors should promote an active and visible policy of mainstreaming a gender perspective in all policies and programmes so that, before decisions are taken, an analysis is made of the effects on women and men, respectively.

Strategic objective H.1. Create or strengthen national machineries and other governmental bodies

### **Actions to be taken**

205. By Governments:
- (a) Ensure that responsibility for the advancement of women is vested in the highest possible level of government; in many cases, this could be at the level of a Cabinet minister;
  - (b) Based on a strong political commitment, create a national machinery, where it does not exist, and strengthen, as appropriate, existing national machineries, for the advancement of women at the highest possible level of government; it should have clearly defined mandates and authority; critical elements would be adequate resources and the ability and competence to influence policy and formulate and review legislation. Among other things, it should perform policy analysis, undertake advocacy, communication, coordination and monitoring of implementation;
  - (c) Provide staff training in designing and analysing data from a gender perspective;
  - (d) Establish procedures to allow the machinery to gather information on government-wide policy issues at an early stage and continuously use it in the policy development and review process within the Government;
  - (e) Report, on a regular basis, to legislative bodies on the progress of efforts, as appropriate, to mainstream gender concerns, taking into account the implementation of the Platform for Action;
  - (f) Encourage and promote the active involvement of the broad and diverse range of institutional actors in the public, private and voluntary sectors to work for equality between women and men.

Strategic objective H.2. Integrate gender perspectives in legislation, public policies, programmes and projects

### **Actions to be taken**

207. By Governments:
- (a) Seek to ensure that before policy decisions are taken, an analysis of their impact on women and men, respectively, is carried out;
  - (b) Regularly review national policies, programmes and projects, as well as their implementation, evaluating the impact of employment and income policies in order to guarantee that women are direct beneficiaries of development and that their full contribution to development, both remunerated and unremunerated, is considered in economic policy and planning;

- (c) Promote national strategies and aims on equality between women and men in order to eliminate obstacles to the exercise of women's rights and eradicate all forms of discrimination against women;
- (d) Work with members of legislative bodies, as appropriate, to promote a gender perspective in all legislation and policies;
- (e) Give all ministries the mandate to review policies and programmes from a gender perspective and in the light of the Platform for Action. Locate the responsibility for the implementation of that mandate at the highest possible level. Establish and/or strengthen an inter-ministerial coordination structure to carry out this mandate and monitor progress and to network with relevant machineries.

208. By national machinery:

- (a) Facilitate the formulation and implementation of government policies on equality between women and men, develop appropriate strategies and methodologies, and promote coordination and cooperation within the central government in order to ensure mainstreaming of a gender perspective in all policy-making processes;
- (b) Promote and establish cooperative relationships with relevant branches of government, centres for women's studies and research, academic and educational institutions, the private sector, the media, non-governmental organisations, especially women's organisations, and all other actors of civil society;
- (c)&(d) Undertake activities focusing on legal reform with regard, inter alia, to the family, conditions of employment, social security, income tax, equal opportunity in education, positive measures to promote the advancement of women, and the perception of attitudes and a culture favourable to equality, as well as promote a gender perspective in legal policy and programming reforms;
- (e) Promote the increased participation of women as both active agents and beneficiaries of the development process, which would result in an improvement of quality of life for all;
- (f) Establish direct links with national, regional and international bodies dealing with the advancement of women;
- (g) Provide training and advisory assistance to government agencies in order to integrate a gender perspective in their policies and programmes.

Strategic objective H.3. Generate and disseminate gender-disaggregated data and information for planning and evaluation

### **Actions to be taken**

209. By national, regional and international statistical services and relevant governmental and United Nations agencies, in cooperation with research and documentation organisations, in their respective areas of responsibility:
- (a) Ensure that statistics related to individuals are collected, compiled, analysed and presented by sex and age and reflect problems, issues and questions related to women and men in society;
  - (b) Collect, compile, analyse and present on a regular basis data disaggregated by age, sex, socio-economic and other relevant indicators, including number of dependants, for utilisation in policy and programme planning and implementation and to reflect problems and questions related to men and women in society;
  - (c) Involve centres for women's studies and research organisations in developing and testing appropriate indicators and research methodologies to strengthen gender analysis, as well as in monitoring and evaluating the implementation of the goals of the Platform for Action;
  - (d) Designate or appoint staff to strengthen gender-statistics programmes and ensure coordination, monitoring and linkage to all fields of statistical work, and prepare output that integrates statistics from the various subject areas;

- (e) Improve data collection on the full contribution of women and men to the economy, including their participation in the informal sector(s);
- (f) Develop a more comprehensive knowledge of all forms of work and employment by:
  - (i) Improving data collection on the unremunerated work which is already included in the United Nations System of National Accounts, such as in agriculture, particularly subsistence agriculture, and other types of non-market production activities;
  - (ii) Improving measurements that at present underestimate women's unemployment and under-employment in the labour market;
  - (iii) Developing methods, in the appropriate forums, for assessing the value, in quantitative terms, of unremunerated work that is outside national accounts, such as caring for dependants and preparing food, for possible reflection in satellite or other official accounts that may be produced separately from but are consistent with core national accounts, with a view to recognising the economic contribution of women and making visible the unequal distribution of remunerated and unremunerated work between women and men;
- (g) Develop an international classification of activities for time-use statistics that is sensitive to the differences between women and men in remunerated and unremunerated work and collect data, disaggregated by sex. At the national level, subject to national constraints:
  - (i) Conduct regular time-use studies to measure, in quantitative terms, unremunerated work, including recording those activities that are performed simultaneously with remunerated or other unremunerated activities;
  - (ii) Measure, in quantitative terms, unremunerated work that is outside national accounts and work to improve methods to accurately reflect its value in satellite or other official accounts that are separate from but consistent with core national accounts;
- (h) Improve concepts and methods of data collection on the measurement of poverty among women and men, including their access to resources;
- (i) Strengthen vital statistical systems and incorporate gender analysis into publications and research;

give priority to gender differences in research design and in data collection and analysis in order to improve data on morbidity;

and improve data collection on access to health services including access to comprehensive sexual and reproductive health services, maternal care and family planning, with special priority for adolescent mothers and for elder care;

- (j) 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 as on violence by the agents of the State;
- (k) Improve concepts and methods of data collection on the participation of women and men with disabilities, including their access to resources.

210. By Governments:

- (a) Ensure the regular production of a statistical publication on gender that presents and interprets topical data on women and men in a form suitable for a wide range of non-technical users;
- (b) Ensure that producers and users of statistics in each country regularly review the adequacy of the official statistical system and its coverage of gender issues, and prepare a plan for needed improvements, where necessary;
- (c) Develop and encourage the development of quantitative and qualitative studies by research organisations, trade unions, employers, the private sector and non-governmental organisations on the sharing of power and influence in society, including the number of women and men in senior decision-making positions in both the public and private sectors;

- (d) Use more gender-sensitive data in the formulation of policy and implementation of programmes and projects.
211. By the United Nations:
- (a) Promote the development of methods to find better ways to collect, collate and analyse data that may relate to the human rights of women, including violence against women for use by all relevant United Nations bodies;
  - (b) Promote the further development of statistical methods to improve data that relate to women in economic, social, cultural and political development;
  - (c) Prepare a new issue of *The World's Women* at regular five-year intervals and distribute it widely;
  - (d) Assist countries, upon request, in the development of gender policies and programmes;
  - (e) Ensure that the relevant reports, data and publications of the Statistical Division of the United Nations Secretariat and INSTRAW on progress at the national and international levels are transmitted to the Commission on the Status of Women on a regular and coordinated fashion.
212. By multilateral development institutions and bilateral donors: Encourage and support the development of national capacity in developing countries and in countries with economies in transition by providing resources and technical assistance so that countries can fully measure the work done by women and men, including both remunerated and unremunerated work, and, where appropriate, use satellite or other official accounts for unremunerated work.

## **I. Human rights of women**

213. Human rights and fundamental freedoms are the birthright of all human beings; their protection and promotion is the first responsibility of Governments.
- \* The World Conference on Human Rights reaffirmed the solemn commitment of all States to fulfil their obligation to promote universal respect for, and observance and protection of, all human rights and fundamental freedoms for all, in accordance with the Charter of the United Nations, other instruments relating to human rights, and international law. The universal nature of these rights and freedoms is beyond question.
- \* The promotion and protection of all human rights and fundamental freedoms must be considered as a priority objective of the United Nations, in accordance with its purposes and principles, in particular with the purpose of international cooperation. In the framework of these purposes and principles, the promotion and protection of all human rights is a legitimate concern of the international community. The international community must treat human rights globally, in a fair and equal manner, on the same footing, and with the same emphasis. The Platform for Action reaffirms the importance of ensuring the universality, objectivity and non-selectivity of the consideration of human rights issues.
- \* The Platform for Action reaffirms that all human rights - civil, cultural, economic, political and social, including the right to development - are universal, indivisible, interdependent and interrelated, as expressed in the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights. The Conference reaffirmed that the human rights of women and the girl child are an inalienable, integral and indivisible part of universal human rights. The full and equal enjoyment of all human rights and fundamental freedoms by women and girls is a priority for Governments and the United Nations and is essential for the advancement of women.
214. Equal rights of men and women are explicitly mentioned in the Preamble to the Charter of the United Nations. All the major international human rights instruments include sex as one of the grounds upon which States may not discriminate.
215. Governments must not only refrain from violating the human rights of all women, but must work actively to promote and protect these rights. Recognition of the importance of the human rights of women is reflected in the fact that three quarters of the States Members of the United Nations have become parties to the Convention on the Elimination of All Forms of Discrimination against Women.

216. The World Conference on Human Rights reaffirmed clearly that the human rights of women throughout the life cycle are an inalienable, integral and indivisible part of universal human rights. The International Conference on Population and Development reaffirmed women's reproductive rights and the right to development. Both the Declaration of the Rights of the Child and the Convention on the Rights of the Child guarantee children's rights and uphold the principle of non-discrimination on the grounds of gender.
217. The gap between the existence of rights and their effective enjoyment derives from a lack of commitment by Governments to promoting and protecting those rights and the failure of Governments to inform women and men alike about them. The lack of appropriate recourse mechanisms at the national and international levels, and inadequate resources at both levels, compound the problem. In most countries, steps have been taken to reflect the rights guaranteed by the Convention on the Elimination of All Forms of Discrimination against Women in national law. A number of countries have established mechanisms to strengthen women's ability to exercise their rights.
218. In order to protect the human rights of women, it is necessary to avoid, as far as possible, resorting to reservations and to ensure that no reservation is incompatible with the object and purpose of the Convention or is otherwise incompatible with international treaty law. Unless the human rights of women, as defined by international human rights instruments, are fully recognised and effectively protected, applied, implemented and enforced in national law as well as in national practice in family, civil, penal, labour and commercial codes and administrative rules and regulations, they will exist in name only.
219. In those countries that have not yet become parties to the Convention on the Elimination of All Forms of Discrimination against Women and other international human rights instruments, or where reservations that are incompatible with the object or purpose of the Convention have been entered, or where national laws have not yet been revised to implement international norms and standards, women's de jure equality is not yet secured. Women's full enjoyment of equal rights is undermined by the discrepancies between some national legislation and international law and international instruments on human rights. Overly complex administrative procedures, lack of awareness within the judicial process and inadequate monitoring of the violation of the human rights of all women, coupled with the underrepresentation of women in justice systems, insufficient information on existing rights and persistent attitudes and practices perpetuate women's de facto inequality. De facto inequality is also perpetuated by the lack of enforcement of, inter alia, family, civil, penal, labour and commercial laws or codes, or administrative rules and regulations intended to ensure women's full enjoyment of human rights and fundamental freedoms.
220. Every person should be entitled to participate in, contribute to and enjoy cultural, economic, political and social development. In many cases women and girls suffer discrimination in the allocation of economic and social resources. This directly violates their economic, social and cultural rights.
221. The human rights of all women and the girl child must form an integral part of United Nations human rights activities. Intensified efforts are needed to integrate the equal status and the human rights of all women and girls into the mainstream of United Nations system-wide activities and to address these issues regularly and systematically throughout relevant bodies and mechanisms. This requires, inter alia, improved cooperation and coordination between the Commission on the Status of Women, the United Nations High Commissioner for Human Rights, the Commission on Human Rights, including its special and thematic rapporteurs, independent experts, working groups and its Subcommission on Prevention of Discrimination and Protection of Minorities, the Commission on Sustainable Development, the Commission for Social Development, the Commission on Crime Prevention and Criminal Justice, and the Committee on the Elimination of Discrimination against Women and other human rights treaty bodies, and all relevant entities of the United Nations system, including the specialised agencies. Cooperation is also needed to strengthen, rationalise and streamline the United Nations human rights system and to promote its effectiveness and efficiency, taking into account the need to avoid unnecessary duplication and overlapping of mandates and tasks.
222. If the goal of full realisation of human rights for all is to be achieved, international human rights instruments must be applied in such a way as to take more clearly into consideration the systematic and systemic nature of discrimination against women that gender analysis has clearly indicated.



223. Bearing in mind the Programme of Action of the International Conference on Population and Development and the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights, as stated in their respective reports, the Fourth World Conference on Women reaffirms that reproductive rights rest on the recognition of the basic right of all couples and individuals to decide freely and responsibly the number, spacing and timing of their children and to have the information and means to do so, and the right to attain the highest standard of sexual and reproductive health. It also includes their right to make decisions concerning reproduction free of discrimination, coercion and violence, as expressed in human rights documents.
225. Violence against women both violates and impairs or nullifies the enjoyment by women of human rights and fundamental freedoms. Taking into account the Declaration on the Elimination of Violence against Women and the work of Special Rapporteurs, gender-based violence, such as battering and other domestic violence, sexual abuse, sexual slavery and exploitation, and international trafficking in women and children, forced prostitution and sexual harassment, as well as violence against women, resulting from cultural prejudice, racism and racial discrimination, xenophobia, pornography, ethnic cleansing, armed conflict, foreign occupation, religious and anti-religious extremism and terrorism are incompatible with the dignity and the worth of the human person and must be combated and eliminated. Any harmful aspect of certain traditional, customary or modern practices that violates the rights of women should be prohibited and eliminated. Governments should take urgent action to combat and eliminate all forms of violence against women in private and public life, whether perpetrated or tolerated by the State or private persons.
226. Many women face additional barriers to the enjoyment of their human rights because of such factors as their race, language, ethnicity, culture, religion, disability or socio-economic class or because they are indigenous people, migrants, including women migrant workers, displaced women or refugees. They may also be disadvantaged and marginalised by a general lack of knowledge and recognition of their human rights as well as by the obstacles they meet in gaining access to information and recourse mechanisms in cases of violation of their rights.
- 226 bis. The factors that cause the flight of refugee women, other displaced women in need of international protection and internally displaced women may be different from those affecting men. These women continue to be vulnerable to abuses of their human rights during and after their flight.
227. While women are increasingly using the legal system to exercise their rights, in many countries lack of awareness of the existence of these rights is an obstacle that prevents women from fully enjoying their human rights and attaining equality. Experience in many countries has shown that women can be empowered and motivated to assert their rights, regardless of their level of education or socio-economic status. Legal literacy programmes and media strategies have been effective in helping women to understand the link between their rights and other aspects of their lives and in demonstrating that cost-effective initiatives can be undertaken to help women obtain those rights. Provision of human rights education is essential for promoting an understanding of the human rights of women, including knowledge of recourse mechanisms to redress violations of their rights. It is necessary for all individuals, especially women in vulnerable circumstances, to have full knowledge of their rights and access to legal recourse against violations of their rights.
228. Women engaged in the defence of human rights must be protected. Governments have a duty to guarantee the full enjoyment of all rights set out in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights by women working peacefully in a personal or organisational capacity for the promotion and protection of human rights. Non-governmental organisations, women's organisations and feminist groups have played a catalytic role in the promotion of the human rights of women through grass-roots activities, networking and advocacy and need encouragement, support and access to information from Governments in order to carry out these activities.
229. In addressing the enjoyment of human rights, Governments and other actors should promote an active and visible policy of mainstreaming a gender perspective in all policies and programmes so that, before decisions are taken, an analysis is made of the effects on women and men, respectively.

Strategic objective I.1. Promote and protect the human rights of women, through the full implementation of all human rights instruments, especially the Convention on the Elimination of All Forms of Discrimination against Women

### **Actions to be taken**

230. By Governments:

- (a) Work actively towards ratification or accession to and implement international and regional human rights treaties;
- (b) Ratify and accede to and ensure implementation of the Convention on the Elimination of All Forms of Discrimination against Women so that universal ratification of the Convention can be achieved by the year 2000;
- (c)&(d) Limit the extent of any reservations to the Convention on the Elimination of All Forms of Discrimination against Women; formulate any such reservations as precisely and as narrowly as possible; ensure that no reservations are incompatible with the object and purpose of the Convention or otherwise incompatible with international treaty law and regularly review them with a view to withdrawing them; and withdraw reservations that are contrary to the object and purpose of the Convention on the Elimination of All Forms of Discrimination against Women or which are otherwise incompatible with international treaty law;
- (e) Consider drawing up national action plans identifying steps to improve the promotion and protection of human rights, including the human rights of women, as recommended by the World Conference on Human Rights;
- (f) Create or strengthen independent national institutions for the protection and promotion of these rights, including the human rights of women, as recommended by the World Conference on Human Rights;
- (g) Develop a comprehensive human rights education programme to raise awareness among women of their human rights and among others of the human rights of women;
- (h) If they are States parties, implement the Convention by reviewing all national laws, policies, practices and procedures to ensure that they meet the obligations set out in the Convention;

all States should undertake a review of all national laws, policies, practices and procedures to ensure that they meet international human rights obligations in this matter;

- (i) Include gender aspects in reporting under all other human rights conventions and instruments, including ILO conventions, to ensure analysis and review of the human rights of women;
- (j) Report on schedule to the Committee on the Elimination of Discrimination against Women regarding the implementation of the Convention, following fully the guidelines established by the Committee and involving non-governmental organisations, where appropriate, or taking into account their contributions in the preparation of the report;
- (k) Enable the Committee on the Elimination of Discrimination against Women fully to discharge its mandate by allowing for adequate meeting time through broad ratification of the revision adopted by the States parties to the Convention on the Elimination of All Forms of Discrimination against Women on 22 May 1995 relative to article 20, paragraph 1, and by promoting efficient working methods;
- (l) Support the process initiated by the Commission on the Status of Women with the view to elaborating a draft of an optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women that could enter into force as soon as possible on a right of petition procedure, considering the Secretary-General's report on the optional protocol, including those views related to its feasibility;
- (m) Take urgent measures to achieve universal ratification of or accession to the Convention on the Rights of the Child before the end of 1995 and ensure full implementation of the Convention to ensure equal rights for girls and boys, and urge those that have not already done so to become a

party in order to realise universal implementation of the Convention on the Rights of the Child by the year 2000;

- (n) Address the acute problems of children, inter alia, by supporting efforts in the context of the United Nations system aimed at adopting efficient international measures for the prevention and eradication of female infanticide, harmful child labour, the sale of children and their organs, child prostitution, child pornography and other forms of sexual abuse and consider contributing to the drafting of an optional protocol to the Convention on the Rights of the Child;
- (o) Strengthen the implementation of all relevant human rights instruments in order to combat and eliminate, including through international cooperation, organised and other forms of trafficking in women and children, including for the purposes of sexual exploitation, pornography, prostitution and sex tourism, and provide legal and social services to the victims. This should include provisions for international cooperation to prosecute and punish those responsible for organised exploitation of women and children;
- (p) Taking into account the need to ensure full respect for the human rights of indigenous women, consider a declaration on the rights of indigenous people for adoption by the General Assembly within the International Decade of the World's Indigenous People and encourage the participation of indigenous women in the working group elaborating the draft declaration, in accordance with the provisions for the participation of organisations of indigenous people.
  - (a) Give full, equal and sustained attention to the human rights of women in the exercise of their respective mandates to promote universal respect for and protection of all human rights - civil, cultural, economic, political and social - including the right to development;
  - (b) Ensure the implementation of the recommendations of the World Conference on Human Rights for the full integration and mainstreaming of the human rights of women;
  - (c) Develop a comprehensive policy programme for mainstreaming the human rights of women throughout the United Nations system, including activities with regard to advisory services, technical assistance, reporting methodology, gender impact assessments, coordination, public information and human rights education, and play an active role in the implementation of the programme;
  - (d) Ensure the integration and full participation of women as both agents and beneficiaries in the development process and reiterate the objectives established for global action for women towards sustainable and equitable development set forth in the Rio Declaration on Environment and Development;
  - (e) Include information on gender-based human rights violations in their activities and integrate the findings into all of their programmes and activities;
  - (f) Ensure that there is collaboration and coordination of the work of all human rights bodies and mechanisms to ensure that the human rights of women are respected;
  - (g) Strengthen cooperation and coordination between the Commission on the Status of Women, the Commission on Human Rights, the Commission for Social Development, the Commission on Sustainable Development, the Commission on Crime Prevention and Criminal Justice, the United Nations human rights treaty monitoring bodies, including the Committee on the Elimination of Discrimination against Women, and UNIFEM, INSTRAW, UNDP, UNICEF and other organisations of the United Nations system, acting within their mandates, in the promotion of the human rights of women, and improve cooperation between the Division for the Advancement of Women and the Centre for Human Rights;
  - (h) Establish effective cooperation between the United Nations High Commissioner for Human Rights and the United Nations High Commissioner for Refugees and other relevant bodies, within their respective mandates, taking into account the close link between massive viola-

tions of human rights, especially in the form of genocide, ethnic cleansing, systematic rape of women in war situations and refugee flows and other displacements, and the fact that refugee, displaced and returnee women may be subject to particular human rights abuse;

- (i) Encourage incorporation of a gender perspective in national programmes of action and in human rights and national institutions, within the context of human rights advisory services programmes;
- (j) Provide training in the human rights of women for all United Nations personnel and officials, especially those in human rights and humanitarian relief activities, and promote their understanding of the human rights of women so that they recognise and deal with violations of the human rights of women and can fully take into account the gender aspect of their work.

Strategic objective I.2. Ensure equality and non-discrimination under the law and in practice

## **Actions to be taken**

232. By Governments:

- (a) Give priority to promoting and protecting the full and equal enjoyment by women and men of all human rights and fundamental freedoms without distinction of any kind as to race, colour, sex, language, religion, political or other opinions, national or social origins, property, birth or other status;
- (b) Provide constitutional guarantees and/or enact appropriate legislation to prohibit discrimination on the basis of sex for all women and girls of all ages and assure women of all ages equal rights and their full enjoyment;
- (c) Embody the principle of the equality of men and women in their legislation and ensure, through law and other appropriate means, the practical realisation of this principle;
- (d) Review national laws, including customary laws and legal practices in the areas of family, civil, penal, labour and commercial law in order to ensure the implementation of the principles and procedures of all relevant international human rights instruments by means of national legislation, and revoke any remaining laws that discriminate on the basis of sex and remove gender bias in the administration of justice;
- (e) Strengthen and encourage the development of programmes to protect the human rights of women in the national institutions on human rights that carry out programmes, such as human rights commissions or ombudspersons, according them appropriate status, resources and access to the Government to assist individuals, in particular women, and ensure that these institutions pay adequate attention to problems involving the violation of the human rights of women;
- (f) Take action to ensure that the human rights of women, including the rights referred to in paragraphs 96 and 97 in section IV.C are fully respected and protected;
- (g) Take urgent action to combat and eliminate violence against women, which is a human rights violation, resulting from harmful traditional or customary practices, cultural prejudices and extremism;
- (h) bis. Prohibit female genital mutilation wherever it exists and give vigorous support to efforts among non-governmental and community organisations and religious institutions to eliminate such practices;
- (i) Provide gender-sensitive human rights education and training to public officials, including, inter alia, police and military personnel, corrections officers, health and medical personnel, and social workers, including people who deal with migration and refugee issues, and teachers at all levels of the educational system, and make available such education and training also to the judiciary and members of parliament in order to enable them to better exercise their public responsibilities;
- (j) Promote the equal right of women to be members of trade unions and other professional and social organisations;

- (k) Establish effective mechanisms for investigating violations of the human rights of women perpetrated by any public official and take the necessary punitive legal measures in accordance with national laws;
- (l) Review and amend criminal laws and procedures, as necessary, to eliminate any discrimination against women in order to ensure that criminal law and procedures guarantee women effective protection against, and prosecution of, crimes directed at or disproportionately affecting women, regardless of the relationship between the perpetrator and the victim, and ensure that women defendants, victims and/or witnesses are not revictimised or discriminated against in the investigation and prosecution of crimes;
- (m) Ensure that women have the same right as men to be judges, advocates or other officers of the court, as well as police officers and prison and detention officers, among other things;
- (n) Strengthen existing or establish readily available and free or affordable alternative administrative mechanisms and legal aid programmes to assist disadvantaged women seeking redress for violations of their rights;
- (o) Ensure that all women and non-governmental organisations and their members in the field of protection and promotion of all human rights -civil, cultural, economic, political and social rights, including the right to development - enjoy fully all human rights and freedoms in accordance with the Universal Declaration of Human Rights and all other human rights instruments and the protection of national laws;
- (p) Strengthen and encourage the implementation of the recommendations contained in the Standard Rules on the Equalisation of Opportunities for Persons with Disabilities, paying special attention to ensure non-discrimination and equal enjoyment of all human rights and fundamental freedoms by women and girls with disabilities, including their access to information and services in the field of violence against women, as well as their active participation in and economic contribution to all aspects of society;
- (q) Encourage the development of gender-sensitive human rights programmes.

Strategic objective I.3. Achieve legal literacy

### **Actions to be taken**

233. By Governments and non-governmental organisations, the United Nations and other international organisations, as appropriate:
- (a) Translate, whenever possible, into local and indigenous languages and into alternative formats appropriate for persons with disabilities and persons at lower levels of literacy, publicise and disseminate laws and information relating to the equal status and human rights of all women, including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Declaration on the Right to Development and the Declaration on the Elimination of Violence against Women, as well as the outcomes of relevant United Nations conferences and summits and national reports to the Committee on the Elimination of Discrimination against Women;
  - (b) Publicise and disseminate such information in easily understandable formats and alternative formats appropriate for persons with disabilities, and persons at low levels of literacy;
  - (c) Disseminate information on national legislation and its impact on women, including easily accessible guidelines on how to use a justice system to exercise one's rights;
  - (d) Include information about international and regional instruments and standards in their public information and human rights education activities and in adult education and training programmes,



- particularly for groups such as the military, the police and other law enforcement personnel, the judiciary, and legal and health professionals to ensure that human rights are effectively protected;
- (e) Make widely available and fully publicise information on the existence of national, regional and international mechanisms for seeking redress when the human rights of women are violated;
  - (f) Encourage, coordinate and cooperate with local and regional women's groups, relevant non-governmental organisations, educators and the media, to implement programmes in human rights education to make women aware of their human rights;
  - (g) Promote education on the human and legal rights of women in school curricula at all levels of education and undertake public campaigns, including in the most widely used languages of the country, on the equality of women and men in public and private life, including their rights within the family and relevant human rights instruments under national and international law;
  - (h) Promote education in all countries in human rights and international humanitarian law for members of the national security and armed forces, including those assigned to United Nations peace-keeping operations, on a routine and continuing basis, reminding them and sensitising them to the fact that they should respect the rights of women at all times, both on and off duty, giving special attention to the rules on the protection of women and children and to the protection of human rights in situations of armed conflict;
  - (i) Take appropriate measures to ensure that refugee and displaced women, migrant women and women migrant workers are made aware of their human rights and of the recourse mechanisms available to them.

## **J. Women and the media**

234. During the past decade, advances in information technology have facilitated a global communications network that transcends national boundaries and has an impact on public policy, private attitudes and behaviour, especially of children and young adults. Everywhere the potential exists for the media to make a far greater contribution to the advancement of women.
235. More women are involved in careers in the communications sector, but few have attained positions at the decision-making level or serve on governing boards and bodies that influence media policy. The lack of gender sensitivity in the media is evidenced by the failure to eliminate the gender-based stereotyping that can be found in public and private local, national and international media organisations.
236. The continued projection of negative and degrading images of women in media communications - electronic, print, visual and audio - must be changed. Print and electronic media in most countries do not provide a balanced picture of women's diverse lives and contributions to society in a changing world. In addition, violent and degrading or pornographic media products are also negatively affecting women and their participation in society. Programming that reinforces women's traditional roles can be equally limiting. The world-wide trend towards consumerism has created a climate in which advertisements and commercial messages often portray women primarily as consumers and target girls and women of all ages inappropriately.
237. Women should be empowered by enhancing their skills, knowledge and access to information technology. This will strengthen their ability to combat negative portrayals of women internationally and to challenge instances of abuse of the power of an increasingly important industry. Self-regulatory mechanisms for the media need to be created and strengthened and approaches developed to eliminate gender-biased programming. Most women, especially in developing countries, are not able to access effectively the expanding electronic information highways and therefore cannot establish networks that will provide them with alternative sources of information. Women therefore need to be involved in decision-making regarding the development of the new technologies in order to participate fully in their growth and impact.
238. In addressing the issue of the mobilisation of the media, Governments and other actors should promote an active and visible policy of mainstreaming a gender perspective in policies and programmes.



Strategic objective J.1. Increase the participation and access of women to expression and decision-making in and through the media and new technologies of communication

## Actions to be taken

239. By Governments:

- (a) Support women's education, training and employment to promote and ensure women's equal access to all areas and levels of the media;
- (b) Support research into all aspects of women and the media so as to define areas needing attention and action and review existing media policies with a view to integrating a gender perspective;
- (c) Promote women's full and equal participation in the media, including management, programming, education, training and research;
- (d) Aim at gender balance in the appointment of women and men to all advisory, management, regulatory or monitoring bodies, including those connected to the private and State or public media;
- (e) Encourage, to the extent consistent with freedom of expression, these bodies to increase the number of programmes for and by women to see to it that women's needs and concerns are properly addressed;
- (f) Encourage and recognise women's media networks, including electronic networks and other new technologies of communication, as a means for the dissemination of information and the exchange of views, including at the international level, and support women's groups active in all media work and systems of communications to that end;
- (g) Encourage and provide the means or incentives for the creative use of programmes in the national media for the dissemination of information on various cultural forms of indigenous people and the development of social and educational issues in this regard within the framework of national law;
- (h) Guarantee the freedom of the media and its subsequent protection within the framework of national law and encourage, consistent with freedom of expression, the positive involvement of the media in development and social issues.

240. By national and international media systems: Develop, consistent with freedom of expression, regulatory mechanisms, including voluntary ones, that promote balanced and diverse portrayals of women by the media and international communication systems and that promote increased participation by women and men in production and decision-making.

241. By Governments, as appropriate, or national machinery for the advancement of women:

- (a) Encourage the development of educational and training programmes for women in order to produce information for the mass media, including funding of experimental efforts, and the use of the new technologies of communication, cybernetics space and satellite, whether public or private;
- (b) Encourage the use of communication systems, including new technologies, as a means of strengthening women's participation in democratic processes;
- (c) Facilitate the compilation of a directory of women media experts;
- (d) Encourage the participation of women in the development of professional guidelines and codes of conduct or other appropriate self-regulatory mechanisms to promote balanced and non-stereotyped portrayals of women by the media.

242. By non-governmental organisations and media professional associations:

- (a) Encourage the establishment of media watch groups that can monitor the media and consult with the media to ensure that women's needs and concerns are properly reflected;

- (b) Train women to make greater use of information technology for communication and the media, including at the international level;
- (c) Create networks among and develop information programmes for non-governmental organisations, women's organisations and professional media organisations in order to recognise the specific needs of women in the media, and facilitate the increased participation of women in communication, in particular at the international level, in support of South- South and North-South dialogue among and between these organisations, inter alia, to promote the human rights of women and equality between women and men;
- (d) Encourage the media industry and education and media training institutions to develop, in appropriate languages, traditional, indigenous and other ethnic group forms of media, such as storytelling, drama, poetry and song reflecting their cultures, and utilise these forms of communication to disseminate information on development and social issues.

Strategic objective J.2. Promote a balanced and non-stereotyped portrayal of women in the media

### **Actions to be taken**

243. By Governments and international organisations, to the extent consistent with freedom of expression:
- (a) Promote research and implementation of a strategy of information, education and communication aimed at promoting a balanced portrayal of women and girls and their multiple roles;
  - (b) Encourage the media and advertising agencies to develop specific programmes to raise awareness of the Platform for Action;
  - (c) Encourage gender-sensitive training for media professionals, including media owners and managers, to encourage the creation and use of non-stereotyped, balanced and diverse images of women in the media;
  - (d) Encourage the media to refrain from presenting women as inferior beings and exploiting them as sexual objects and commodities, rather than presenting them as creative human beings, key actors and contributors to and beneficiaries of the process of development;
  - (e) Promote the concept that the sexist stereotypes displayed in the media are gender discriminatory, degrading in nature and offensive;
  - (f) Take effective measures or institute such measures, including appropriate legislation against pornography and the projection of violence against women and children in the media.
244. By the mass media and advertising organisations:
- (a) Develop, consistent with freedom of expression, professional guidelines and codes of conduct and other forms of self-regulation to promote the presentation of non-stereotyped images of women;
  - (b) Establish, consistent with freedom of expression, professional guidelines and codes of conduct that address violent, degrading or pornographic materials concerning women in the media, including advertising;
  - (c) Develop a gender perspective on all issues of concern to communities, consumers and civil society;
  - (d) Increase women's participation in decision-making at all levels of the media.
245. By the media, non-governmental organisations and the private sector, in collaboration, as appropriate, with national machinery for the advancement of women:
- (a) Promote the equal sharing of family responsibilities through media campaigns that emphasise gender equality and non-stereotyped gender roles of women and men within the family and that disseminate information aimed at eliminating spousal and child abuse and all forms of violence against women, including domestic violence;
  - (b) Produce and/or disseminate media materials on women leaders, inter alia, as leaders who bring to their positions of leadership many different life experiences, including but not limited to their ex-

periences in balancing work and family responsibilities as mothers, as professionals, as managers and as entrepreneurs, to provide role models, particularly to young women;

- (c) Promote extensive campaigns, making use of public and private educational programmes, to disseminate information about and increase awareness of the human rights of women;
- (d) Support the development of and finance, as appropriate, alternative media and the use of all means of communication to disseminate information to and about women and their concerns;
- (e) Develop approaches and train experts to apply gender analysis with regard to media programmes.

## **K. Women and the environment**

246. Poverty and environmental degradation are closely interrelated. While poverty results in certain kinds of environmental stress, the major cause of the continued deterioration of the global environment is the unsustainable pattern of consumption and production, particularly in industrialised countries, which is a matter of grave concern, aggravating poverty and imbalances. Rising sealevels as a result of global warming cause a grave and immediate threat to people living in island countries and coastal areas. The use of ozone-depleting substances, such as products with chlorofluorocarbons, halons and methyl bromides (from which plastics and foams are made), are severely affecting the atmosphere, thus allowing excessive levels of harmful ultraviolet rays to reach the Earth's surface and having severe effects on the health of people such as higher rates of skin cancer, eye damage and weakened immune systems. They also have severe effects on the environment, including harm to crops and ocean life.
247. All States and all people shall cooperate in the essential task of eradicating poverty as an indispensable requirement for sustainable development, in order to decrease the disparities in standards of living and better meet the needs of the majority of the people of the world. Hurricanes, typhoons and other natural disasters and, in addition, the destruction of resources, violence, displacements and other effects associated with war, armed and other conflicts, the use and testing of nuclear weaponry, and foreign occupation can also contribute to environmental degradation. The deterioration of natural resources displaces communities, especially women, from income-generating activities while greatly adding to unremunerated work. In both urban and rural areas, environmental degradation results in negative effects on the health, well-being and quality of life of the population at large, especially girls and women of all ages. Particular attention and recognition should be given to the role and the special situation of women living in rural areas and those working in the agricultural sector, where access to training, land, natural and productive resources, credit, development programmes and cooperative structures can help them increase their participation in sustainable development. Environmental risks in the home and workplace may have a disproportionate impact on women's health because of women's different susceptibilities to the toxic effects of various chemicals. These risks to women's health are particularly high in urban areas, as well as in low-income areas where there is a high concentration of polluting industrial facilities.
248. Through their management and use of natural resources, women provide sustenance to their families and communities. As consumers and producers, caretakers of their families and educators, women play an important role in promoting sustainable development through their concern for the quality and sustainability of life for present and future generations. Governments have expressed their commitment to creating a new development paradigm that integrates environmental sustainability with gender equality and justice within and between generations as contained in chapter 24 of Agenda 2
- 1.
249. Women remain largely absent at all levels of policy formulation and decision-making in natural resource and environmental management, conservation, protection and rehabilitation, and their experience and skills in advocacy for and monitoring of proper natural resource management too often remain marginalised in policy-making and decision-making bodies, as well as in educational institutions and environment-related agencies at the managerial level. Women are rarely trained as professional natural resource managers with policy-making capacities, such as land-use planners, agriculturalists, foresters,

marine scientists and environmental lawyers. Even in cases where women are trained as professional natural resource managers, they are often underrepresented in formal institutions with policy-making capacities at the national, regional and international levels. Often women are not equal participants in the management of financial and corporate institutions whose decision-making most significantly affects environmental quality. Furthermore, there are institutional weaknesses in coordination between women's non-governmental organisations and national institutions dealing with environmental issues, despite the recent rapid growth and visibility of women's non-governmental organisations working on these issues at all levels.

250. Women have often played leadership roles or taken the lead in promoting an environmental ethic, reducing resource use, and reusing and recycling resources to minimise waste and excessive consumption. Women can have a particularly powerful role in influencing sustainable consumption decisions. In addition, women's contributions to environmental management, including through grass-roots and youth campaigns to protect the environment, have often taken place at the local level, where decentralised action on environmental issues is most needed and decisive. Women, especially indigenous women, have particular knowledge of ecological linkages and fragile ecosystem management. Women in many communities provide the main labour force for subsistence production, including production of seafood; hence, their role is crucial to the provision of food and nutrition, the enhancement of the subsistence and informal sectors and the preservation of the environment. In certain regions, women are generally the most stable members of the community, as men often pursue work in distant locations, leaving women to safeguard the natural environment and ensure adequate and sustainable resource allocation within the household and the community.
251. The strategic actions needed for sound environmental management require a holistic, multidisciplinary and intersectoral approach. Women's participation and leadership are essential to every aspect of that approach. The recent United Nations global conferences on development, as well as regional preparatory conferences for the Fourth World Conference on Women, have all acknowledged that sustainable development policies that do not involve women and men alike will not succeed in the long run. They have called for the effective participation of women in the generation of knowledge and environmental education in decision-making and management at all levels. Women's experiences and contributions to an ecologically sound environment must therefore be central to the agenda for the twenty-first century. Sustainable development will be an elusive goal unless women's contribution to environmental management is recognised and supported.
252. In addressing the lack of adequate recognition and support for women's contribution to conservation and management of natural resources and safeguarding the environment, Governments and other actors should promote an active and visible policy of mainstreaming a gender perspective in all policies and programmes, including, as appropriate, an analysis of the effects on women and men, respectively, before decisions are taken.

Strategic objective K.1. Involve women actively in environmental decision-making at all levels Actions to be taken

253. By Governments, at all levels, including municipal authorities, as appropriate:
  - (a) Ensure opportunities for women, including indigenous women, to participate in environmental decision-making at all levels, including as managers, designers and planners, and as implementers and evaluators of environmental projects;
  - (b) Facilitate and increase women's access to information and education, including in the areas of science, technology and economics, thus enhancing their knowledge, skills and opportunities for participation in environmental decisions;
  - (c) Encourage, subject to national legislation and consistent with the Convention on Biological Diversity, the effective protection and use of the knowledge, innovations and practices of women of indigenous and local communities, including practices relating to tradition medicines, biodiversity and indigenous technologies, and endeavour to ensure that these are respected, maintained, promoted and preserved in an ecologically sustainable manner and promote their wider application with the

approval and involvement of the holders of such knowledge. In addition, safeguard the existing intellectual property rights of these women as protected under national and international law. Work actively, where necessary, to find additional ways and means for the effective protection and use of such knowledge, innovations and practices, subject to national legislation and consistent with the Convention on Biological Diversity and relevant international law, encourage fair and equitable sharing of benefits arising from the utilisation of such knowledge, innovation and practices;

- (d) Take appropriate measures to reduce risks to women from identified environmental hazards at home, at work and in other environments, including appropriate application of clean technologies, taking into account the precautionary approach agreed to in the Rio Declaration on Environment and Development;
  - (e) Take measures to integrate a gender perspective in the design and implementation of, among other things, environmentally sound and sustainable resource management mechanisms, production techniques and infrastructure development in rural and urban areas;
  - (f) Take measures to empower women as producers and consumers so that they can take effective environmental actions, along with men, in their homes, communities and workplaces;
  - (g) Promote the participation of local communities, particularly women, in identification of public service needs, spatial planning and the provision and design of urban infrastructure.
254. By Governments and international organisations and private sector institutions, as appropriate:
- (a) Take gender impact into consideration in the work of the Commission on Sustainable Development and other appropriate United Nations bodies and in the activities of international financial institutions;
  - (b) Promote the involvement of women and the incorporation of a gender perspective in the design, approval and execution of projects funded under the Global Environment Facility and other appropriate United Nations organisations;
  - (c) Encourage the design of projects in the areas of concern to the Global Environment Facility that would benefit women and projects managed by women;
  - (d) Establish strategies and mechanisms to increase the proportion of women, particularly at grass-roots levels, involved as decision makers, planners, managers, scientists and technical advisers and as beneficiaries in the design, development and implementation of policies and programmes for natural resource management and environmental protection and conservation;
  - (e) Encourage social, economic, political and scientific institutions to address environmental degradation and the resulting impact on women.
255. By non-governmental organisations and the private sector: (a) Assume advocacy of environmental and natural resource management issues of concern to women and provide information to contribute to resource mobilisation for environmental protection and conservation;
- (b) Facilitate the access of women agriculturists, fishers and pastoralists to knowledge, skills, marketing services and environmentally sound technologies to support and strengthen their crucial roles and their expertise in resource management and the conservation of biological diversity. Strategic objective K.2. Integrate gender concerns and perspectives in policies and programmes for sustainable development Actions to be taken 256. By Governments: (a) Integrate women, including indigenous women, their perspectives and knowledge, on an equal basis with men, in decision-making regarding sustainable resource management and the development of policies and programmes for sustainable development, including in particular those designed to address and prevent environmental degradation of the land;
  - (b) Evaluate policies and programmes in terms of environmental impact and women's equal access to and use of natural resources;
  - (c) Ensure adequate research to assess how and to what extent women are particularly susceptible or exposed to environmental degradation and hazards, including, as necessary, research and data col-

- lection on specific groups of women, particularly women with low income, indigenous women and women belonging to minorities;
- (d) Integrate rural women's traditional knowledge and practices of sustainable resource use and management in the development of environmental management and extension programmes;
  - (e) Integrate the results of gender-sensitive research into mainstream policies with a view to developing sustainable human settlements;
  - (f) Promote knowledge of and sponsor research on the role of women, particularly rural and indigenous women, in food gathering and production, soil conservation, irrigation, watershed management, sanitation, coastal zone and marine resource management, integrated pest management, land-use planning, forest conservation and community forestry, fisheries, natural disaster prevention, and new and renewable sources of energy, focusing particularly on indigenous women's knowledge and experience;
  - (g) Develop a strategy for change to eliminate all obstacles to women's full and equal participation in sustainable development and equal access to and control over resources;
  - (h) Promote the education of girls and women of all ages in science, technology, economics and other disciplines relating to the natural environment so that they can make informed choices and offer informed input in determining local economic, scientific and environmental priorities for the management and appropriate use of natural and local resources and ecosystems;
  - (i) Develop programmes to involve female professionals and scientists, as well as technical, administrative and clerical workers, in environmental management, develop training programmes for girls and women in these fields, expand opportunities for the hiring and promotion of women in these fields and implement special measures to advance women's expertise and participation in these activities;
  - (j) Identify and promote environmentally sound technologies that have been designed, developed and improved in consultation with women and that are appropriate to both women and men;
  - (k) Support the development of women's equal access to housing infrastructure, safe water, and sustainable and affordable energy technologies, such as wind, solar, biomass and other renewable sources, through participatory needs assessments, energy planning and policy formulation at the local and national levels;
  - (l) Ensure that clean water is available and accessible to all by the year 2000 and that environmental protection and conservation plans are designed and implemented to restore polluted water systems and rebuild damaged watersheds. 257. By international organisations, non-governmental organisations and private sector institutions: (a) Involve women in the communication industries in raising awareness regarding environmental issues, especially on the environmental and health impacts of products, technologies and industry processes;
  - (b) Encourage consumers to use their purchasing power to promote the production of environmentally safe products and encourage investment in environmentally sound and productive agricultural, fisheries, commercial and industrial activities and technologies;
  - (c) Support women's consumer initiatives by promoting the marketing of organic food and recycling facilities, product information and product labelling, including labelling of toxic chemical and pesticide containers with language and symbols that are understood by consumers, regardless of age and level of literacy. Strategic objective K.3. Strengthen or establish mechanisms at the national, regional and international levels to assess the impact of development and environmental policies on women Actions to be taken 258. By Governments, regional and international organisations and non-governmental organisations, as appropriate: (a) Provide technical assistance to women, particularly in developing countries, in the sectors of agriculture, fisheries, small enterprises, trade and industry to ensure the continuing promotion of human resource development and the development of environmentally sound technologies and of women's entrepreneurship;



- (b) Develop gender-sensitive databases, information and monitoring systems and participatory action-oriented research, methodologies and policy analyses, with the collaboration of academic institutions and local women researchers, on the following:
- (i) Knowledge and experience on the part of women concerning the management and conservation of natural resources for incorporation in the databases and information systems for sustainable development;
  - (ii) The impact on women of environmental and natural resource degradation, deriving from, inter alia, unsustainable production and consumption patterns, drought, poor quality water, global warming, desertification, sea-level rise, hazardous waste, natural disasters, toxic chemicals and pesticide residues, radioactive waste, armed conflicts and its consequences;
  - (iii) Analysis of the structural links between gender relations, environment and development, with special emphasis on particular sectors, such as agriculture, industry, fisheries, forestry, environmental health, biological diversity, climate, water resources and sanitation;
  - (iv) Measures to develop and include environmental, economic, cultural, social and gender-sensitive analyses as an essential step in the development and monitoring of programmes and policies;
  - (v) Programmes to create rural and urban training, research and resource centres that will disseminate environmentally sound technologies to women;
- (c) Ensure the full compliance with relevant international obligations, including where relevant, the Basel Convention and other conventions relating to the transboundary movement of hazardous wastes (which include toxic wastes) and the IAEA Code of Practice relating to the movement of radioactive wastes;

enact and enforce regulations for environmentally sound management related to safe storage and movements;

consider taking action towards the prohibition of those movements which are unsafe and insecure and ensure the strict control and management of hazardous wastes and radioactive waste, in accordance with relevant international and regional obligations and eliminate the exportation of such wastes to countries that, individually or through international agreements, prohibit their importation;

- (d) Promote coordination within and among institutions to implement the Platform for Action and chapter 24 of Agenda 2

1 by, inter alia, requesting the Commission on Sustainable Development, through the Economic and Social Council, to seek input from the Commission on the Status of Women when reviewing the implementation of Agenda 2

1 with regard to women and the environment. L. The girl child 259. The Convention on the Rights of the Child recognises that "States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or status" (article 2, para.1).

10/ However, in many countries available indicators show that the girl child is discriminated against from the earliest stages of life, through her childhood and into adulthood. In some areas of the world, men outnumber women by 5 in every

100. The reasons for the discrepancy include, among other things, harmful attitudes and practices, such as female genital mutilation, son preference -which results in female infanticide and prenatal sex selection - early marriage, including child marriage, violence against women, sexual exploitation, sexual abuse, discrimination against girls in food allocation and other practices related to health and well-being. As a result, fewer girls than boys survive into adulthood. 260. Girls are often treated as inferior and are socialised to put themselves last, thus undermining their self-esteem. Discrimination and neglect in child-

hood can initiate a lifelong downward spiral of deprivation and exclusion from the social mainstream. Initiatives should be taken to prepare girls to participate actively, effectively and equally with boys at all levels of social, economic, political and cultural leadership. 26

1. Gender-biased educational processes, including curricula, educational materials and practices, teachers' attitudes and classroom interaction, reinforce existing gender inequalities. 262. Girls and adolescents may receive a variety of conflicting and confusing messages on their gender roles from their parents, teachers, peers and the media. Women and men need to work together with children and youth to break down persistent gender stereotypes, taking into account the rights of the child and the responsibilities, rights and duties of parents as stated in paragraph 267. 263. Although the number of educated children has grown in the past 20 years in some countries, boys have proportionately fared much better than girls. In 1990, 130 million children had no access to primary school; of these, 81 million were girls. This can be attributed to such factors as customary attitudes, child labour, early marriages, lack of funds and lack of adequate schooling facilities, teenage pregnancies and gender inequalities in society at large as well as in the family as described in paragraph 30. In some countries the shortage of women teachers can inhibit the enrolment of girls. In many cases, girls start to undertake heavy domestic chores at a very early age and are expected to manage both educational and domestic responsibilities, often resulting in poor scholastic performance and an early drop-out from schooling. 264. The percentage of girls enrolled in secondary school remains significantly low in many countries. Girls are often not encouraged or given the opportunity to pursue scientific and technological training and education, which limits the knowledge they require for their daily lives and their employment opportunities. 265. Girls are less encouraged than boys to participate in and learn about the social, economic and political functioning of society, with the result that they are not offered the same opportunities as boys to take part in decision-making processes. 266. Existing discrimination against the girl child in her access to nutrition and physical and mental health services endangers her current and future health. An estimated 450 million adult women in developing countries are stunted as a result of childhood protein-energy malnutrition. 267. The International Conference on Population and Development recognised, in paragraph 7.3 of the Programme of Action,

- 13/ that "full attention should be given to the promotion of mutually respectful and equitable gender relations and particularly to meeting the educational and service needs of adolescents to enable them to deal in a positive and responsible way with their sexuality", taking into account the rights of the child to access to information, privacy, confidentiality, respect and informed consent, as well as the responsibilities, rights and duties of parents and legal guardians to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognised in the Convention on the Rights of the Child, and in conformity with the Convention on the Elimination of All Forms of Discrimination against Women. In all actions concerning children, the best interests of the child shall be a primary consideration. Support should be given to integral sexual education for young people with parental support and guidance that stresses the responsibility of males for their own sexuality and fertility and that help them exercise their responsibilities.
268. More than 15 million girls aged 15 to 19 give birth each year. Motherhood at a very young age entails complications during pregnancy and delivery and a risk of maternal death that is much greater than average. The children of young mothers have higher levels of morbidity and mortality. Early child-bearing continues to be an impediment to improvements in the educational, economic and social status of women in all parts of the world. Overall, early marriage and early motherhood can severely curtail educational and employment opportunities and are likely to have a long-term adverse impact on their and their children's quality of life.
269. Sexual violence and sexually transmitted diseases, including HIV/AIDS, have a devastating effect on children's health, and girls are more vulnerable than boys to the consequences of unprotected and premature sexual relations. Girls often face pressures to engage in sexual activity. Due to such factors as their youth, social pressures, lack of protective laws, or failure to enforce laws, girls are more vulnerable to all kinds of violence, particularly sexual violence, including rape, sexual abuse, sexual exploitation, trafficking, possibly the sale of their organs and tissues, and forced labour.

270. The girl child with disabilities faces additional barriers and needs to be ensured non-discrimination and equal enjoyment of all human rights and fundamental freedoms in accordance with the United Nations Standard Rules on the Equalisation of Opportunities for Persons with Disabilities.
271. Some children are particularly vulnerable, especially the abandoned, homeless and displaced, street children, children in areas in conflict, and children who are discriminated against because they belong to an ethnic or racial minority group.
272. All barriers must therefore be eliminated to enable girls without exception to develop their full potential and skills through equal access to education and training, nutrition, physical and mental health care and related information.
273. In addressing issues concerning children and youth, Governments should promote an active and visible policy of mainstreaming a gender perspective into all policies and programmes so that before decisions are taken, an analysis is made of the effects on girls and boys respectively. Strategic objective L.1. Eliminate all forms of discrimination against the girl child

### Actions to be taken

274. By Governments:

- (a) By States that have not signed or ratified the Convention on the Rights of the Child, take urgent measures towards signing and ratifying the Convention, bearing in mind the strong exhortation made at the World Conference on Human Rights to sign it before the end of

1995, and by States that have signed and ratified the Convention, ensure its full implementation through the adoption of all necessary legislative, administrative and other measures and by fostering an enabling environment that encourages full respect for the rights of children;

- (b) Consistent with article 7 of the Convention on the Rights of the Child, take measures to ensure that a child is registered immediately after birth and has the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents;
- 10/ (c) Take steps to ensure that children receive appropriate financial support from their parents, by, among other measures, enforcing child-support laws;
- (d) Eliminate the injustice and obstacles in relation to inheritance faced by the girl child so that all children may enjoy their rights without discrimination, by, inter alia, enacting, as appropriate, and enforcing legislation that guarantees equal right to succession and ensures equal right to inherit, regardless of the sex of the child;
- (e) Enact and strictly enforce laws to ensure that marriage is only entered into with the free and full consent of the intending spouses. In addition, enact and strictly enforce laws concerning the minimum legal age of consent and the minimum age for marriage and raise the minimum age for marriage where necessary;
- (f) Develop and implement comprehensive policies, plans of action and programmes for the survival, protection, development and advancement of the girl child to promote and protect the full enjoyment of her human rights and to ensure equal opportunities for girls;

these plans should form an integral part of the total development process;

- (g) Ensure the disaggregation by sex and age of all data related to children in the health, education and other sectors in order to include a gender perspective in planning, implementation and monitoring of such programmes. 275. By Governments and international and non-governmental organisations:
- (a) Disaggregate information and data on children by sex and age, undertake research on the situation of girls and integrate, as appropriate, the results in the formulation of policies, programmes and decision-making for the advancement of the girl child;
- (b) Generate social support for the enforcement of laws on the minimum legal age for marriage, in particular by providing educational opportunities for girls. Strategic objective L.2. Eliminate negative cultural attitudes and practices against girls
- Actions to be taken 276. By Governments: (a)

- Encourage and support, as appropriate, non- governmental organisations and community-based organisations in their efforts to promote changes in negative attitudes and practices towards girls;
- (b) Set up educational programmes and develop teaching materials and textbooks that will sensitise and inform adults about the harmful effects of certain traditional or customary practices on girl children;
  - (c) Develop and adopt curricula, teaching materials and textbooks to improve the self-image, lives and work opportunities of girls, particularly in areas where women have traditionally been underrepresented, such as mathematics, science and technology;
  - (d) Take steps so that tradition and religion and their expressions are not a basis for discrimination against girls. 277. By Governments and, as appropriate, international and non-governmental organisations: (a) Promote an educational setting that eliminates all barriers that impede the schooling of married and/or pregnant girls and young mothers, including, as appropriate, affordable and physically accessible child-care facilities and parental education to encourage those who have responsibilities for the care of their children and siblings during their school years to return to, or continue with, and complete schooling;
  - (b) Encourage educational institutions and the media to adopt and project balanced and non-stereotyped images of girls and boys, and work to eliminate child pornography and degrading and violent portrayals of the girl child;
  - (c) Eliminate all forms of discrimination against the girl child and the root causes of son preference, which result in harmful and unethical practices such as prenatal sex selection and female infanticide;

this is often compounded by the increasing use of technologies to determine foetal sex, resulting in abortion of female foetuses;

- (d) Develop policies and programmes, giving priority to formal and informal education programmes that support girls and enable them to acquire knowledge, develop self-esteem and take responsibility for their own lives;

and place special focus on programmes to educate women and men, especially parents, on the importance of girls' physical and mental health and well-being, including the elimination of discrimination against girls in food allocation, early marriage, violence against girls, female genital mutilation, child prostitution, sexual abuse, rape and incest. Strategic objective L.3. Promote and protect the rights of the girl child and increase awareness of her needs and potential Actions to be taken 278. By Governments and international and non-governmental organisations: (a) Generate awareness of the disadvantaged situation of girls among policy makers, planners, administrators and implementors at all levels, as well as within households and communities;

- (b) Make the girl child, particularly the girl child in difficult circumstances, aware of her own potential, educate her about the rights guaranteed to her under all international human rights instruments, including the Convention on the Rights of the Child, legislation enacted for her and the various measures undertaken by both governmental and non-governmental organisations working to improve her status;
- (c) Educate women, men, girls and boys to promote girls' status and encourage them to work towards mutual respect and equal partnership between girls and boys;
- (d) Facilitate the equal provision of appropriate services and devices to girls with disabilities and provide their families with related support services, as appropriate.

Strategic objective L.4. Eliminate discrimination against girls in education, skills development and training

## **Actions to be taken**

279. By Governments:

- (a) Ensure universal and equal access to and completion of primary education by all children and eliminate the existing gap between girls and boys, as stipulated in article 28 of the Convention on the Rights of the Child;

- 10/ similarly, ensure equal access to secondary education by the year 2005 and equal access to higher education, including vocational and technical education, for all girls and boys, including the disadvantaged and gifted;
- (b) Take steps to integrate functional literacy and numeracy programmes, particularly for out-of-school girls in development programmes;
  - (c) Promote human rights education in educational programmes and include in human rights education the fact that the human rights of women and the girl child are an inalienable, integral and indivisible part of universal human rights;
  - (d) Increase enrolment and improve retention rates of girls by allocating appropriate budgetary resources and by enlisting the support of the community and parents through campaigns and flexible school schedules, incentives, scholarships, access programmes for out-of-school girls and other measures;
  - (e) Develop training programmes and materials for teachers and educators, raising awareness about their own role in the educational process, with a view to providing them with effective strategies for gender-sensitive teaching;
  - (f) Take actions to ensure that female teachers and professors have the same possibilities and status as male teachers and professors.
280. By Governments and international and non-governmental organisations:
- (a) Provide education and skills training to increase girls' opportunities for employment and access to decision-making processes;
  - (b) Provide education to increase girls' knowledge and skills related to the functioning of economic, financial and political systems;
  - (c) Ensure access to appropriate education and skills-training for girl children with disabilities for their full participation in life;
  - (d) Promote the full and equal participation of girls in extracurricular activities, such as sports, drama and cultural activities.

Strategic objective: L.5.Eliminate discrimination against girls in health and nutrition

## Actions to be taken

281. By Governments and international and non-governmental organisations:
- (a) Provide public information on the removal of discriminatory practices against girls in food allocation, nutrition and access to health services;
  - (b) Sensitise the girl child, parents, teachers and society concerning good general health and nutrition and raise awareness of the health dangers and other problems connected with early pregnancies;
  - (c) Strengthen and reorient health education and health services, particularly primary health care programmes including sexual and reproductive health and design quality health programmes to meet the physical and mental needs of girls and that attend to the needs of young, expectant and nursing mothers;
  - (d) Establish peer education and outreach programmes with a view to strengthening individual and collective action to reduce the vulnerability of girls to HIV/AIDS and other sexually transmitted diseases, as agreed to in the Programme of Action of the International Conference on Population and Development and as established in the report of that Conference, recognising the parental roles referred to in paragraph 267 of the present Platform for Action;
  - (e) Ensure education and dissemination of information to girls, especially adolescent girls, regarding the physiology of reproduction, reproductive and sexual health, as agreed to in the Programme of

Action of the International Conference on Population and Development and as established in the report of the present Conference, responsible family planning practice, family life, reproductive health, sexually transmitted diseases, HIV infection and AIDS prevention, recognising the parental roles referred to in paragraph 267;

- (f) Include health and nutritional training as an integral part of literacy programmes and school curricula starting at the primary level for the benefit of the girl child;
- (g) Emphasise the role and responsibility of adolescents in sexual and reproductive health and behaviour through the provision of appropriate services and counselling, as discussed in paragraph 267;
- (h) Develop information and training programmes for health planners and implementors on the special health needs of the girl child;
- (i) Take all the appropriate measures with a view to abolishing traditional practices prejudicial to the health of children, as stipulated in article 24 of the Convention on the Rights of the Child. 10/

Strategic objective L.6. Eliminate the economic exploitation of child labour and protect young girls at work

### **Actions to be taken**

282. By Governments:

- (a) In conformity with article 32 of the Convention on the Rights of the Child, 10/ protect children from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development;
- (b) Define a minimum age for a child's admission to employment in national legislation, in conformity with existing international labour standards and the Convention on the Rights of the Child, including girls in all sectors of activity;
- (c) Protect young girls at work, inter alia, through:
  - (i) A minimum age or ages for admission to employment;
  - (ii) Strict monitoring of work conditions (respect for work time, prohibition of work by children not provided for by national legislation, and monitoring of hygiene and health conditions at work);
  - (iii) Application of social security coverage;
  - (iv) Establishment of continuous training and education;
- (d) Strengthen, where necessary, legislation governing the work of children and provide for appropriate penalties or other sanctions to ensure effective enforcement of the legislation;
- (e) Use existing international labour standards, including, as appropriate, ILO standards for the protection of working children, to guide the formulation of national labour legislation and policies.

Strategic objective L.7. Eradicate violence against the girl child Actions to be taken

283. By Governments and, as appropriate, international and non-governmental organisations:

- (a) Take effective actions and measures to enact and enforce legislation to protect the safety and security of girls from all forms of violence at work, including training programmes and support programmes, and take measures to eliminate incidents of sexual harassment of girls in educational and other institutions;
- (b) Take appropriate legislative, administrative, social and educational measures to protect the girl child, in the household and in society, from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse;



- (c) Undertake gender sensitisation training for those involved in healing and rehabilitation and other assistance programmes for girls who are victims of violence and promote programmes of information, support and training for such girls;
- (d) Enact and enforce legislation protecting girls from all forms of violence, including female infanticide and prenatal sex selection, genital mutilation, incest, sexual abuse, sexual exploitation, child prostitution and child pornography, and develop age-appropriate safe and confidential programmes and medical, social and psychological support services to assist girls who are subjected to violence.

Strategic objective L.8. Promote the girl child's awareness of and participation in social, economic and political life  
Actions to be taken

284. By Governments and international and non-governmental organisations:

- (a) Provide access for girls to training, information and the media on social, cultural, economic and political issues and enable them to articulate their views;
- (b) Support non-governmental organisations, in particular youth non-governmental organisations, in their efforts to promote the equality and participation of girls in society.

Strategic objective L.9. Strengthen the role of the family in improving the status of the girl child\*  
Actions to be taken

285. By Governments, in cooperation with non-governmental organisations:

- (a) Formulate policies and programmes to help the family, as described in paragraph 30, in its supporting, educating and nurturing roles, with particular emphasis on the elimination of intra-family discrimination against the girl child;
- (b) Provide an environment conducive to the strengthening of the family, as described in paragraph 30, with a view to providing supportive and preventive measures which protect, respect and promote the potential of the girl child;
- (c) Educate and encourage parents and care givers to treat girls and boys equally and to ensure shared responsibilities between girls and boys in the family, as described in paragraph 30.

## Chapter V

### INSTITUTIONAL ARRANGEMENTS

- 286. The Platform for Action establishes a set of actions that should lead to fundamental change. Immediate action and accountability are essential if the targets are to be met by the year 2000. Implementation is primarily the responsibility of Governments, but is also dependent on a wide range of institutions in the public, private and non-governmental sectors at the community, national, subregional/regional and international levels.
- 287. During the United Nations Decade for Women (1976- 1985), many institutions specifically devoted to the advancement of women were established at the national, regional and international levels. At the international level, the International Research and Training Institute for the Advancement of Women (INSTRAW), the United Nations Development Fund for Women (UNIFEM), and the Committee to monitor the Convention on the Elimination of All Forms of Discrimination against Women were established. These entities, along with the Commission on the Status of Women and its secretariat, the Division for the Advancement of Women, became the main institutions in the United Nations specifically devoted to women's advancement globally. At the national level, a number of countries established or strengthened national mechanisms to plan, advocate for and monitor progress in the advancement of women.
- 288. Implementation of the Platform for Action by national, subregional/regional and international institutions, both public and private, would be facilitated by transparency, by increased linkages between networks and organisations and by a consistent flow of information among all concerned. Clear objectives and accountability mechanisms are also required. Links with other institutions at the national,

subregional/regional and international levels and with networks and organisations devoted to the advancement of women are needed.

289. Non-governmental and grass-roots organisations have a specific role to play in creating a social, economic, political and intellectual climate based on equality between women and men. Women should be actively involved in the implementation and monitoring of the Platform for Action.
290. Effective implementation of the Platform will also require changes in the internal dynamics of institutions and organisations, including values, behaviour, rules and procedures that are inimical to the advancement of women. Sexual harassment should be eliminated.
291. National, subregional/regional and international institutions should have strong and clear mandates and the authority, resources and accountability mechanisms needed for the tasks set out in the Platform for Action. Their methods of operation should ensure efficient and effective implementation of the Platform. There should be a clear commitment to international norms and standards of equality between women and men as a basis for all actions.
292. To ensure effective implementation of the Platform for Action and to enhance the work for the advancement of women at the national, sub-regional/ regional and international levels, Governments, the United Nations system and all other relevant organisations should promote an active and visible policy of mainstreaming a gender perspective, inter alia, in the monitoring and evaluation of all policies and programmes.

#### **A. National level**

293. Governments have the primary responsibility for implementing the Platform for Action. Commitment at the highest political level is essential to its implementation, and Governments should take a leading role in coordinating, monitoring and assessing progress in the advancement of women. The Fourth World Conference on Women is a conference of national and international commitment and action. This requires commitment from Governments and the international community. The Platform for Action is part of a continuing process and has a catalytic effect as it will contribute to programmes and practical outcomes for girls and women of all ages. States and the international community are encouraged to respond to this challenge by making commitments for action. As part of this process, many States have made commitments for action as reflected, inter alia, in their national statements.
294. National mechanisms and institutions for the advancement of women should participate in public policy formulation and encourage the implementation of the Platform for Action through various bodies and institutions, including the private sector, and, where necessary, should act as a catalyst in developing new programmes by the year 2000 in areas that are not covered by existing institutions.
295. The active support and participation of a broad and diverse range of other institutional actors should be encouraged, including legislative bodies, academic and research institutions, professional associations, trade unions, cooperatives, local community groups, non-governmental organisations, including women's organisations and feminist groups, the media, religious groups, youth organisations and cultural groups, as well as financial and non-profit organisations.
296. In order for the Platform for Action to be implemented, it will be necessary for Governments to establish or improve the effectiveness of national machineries for the advancement of women at the highest political level, appropriate intra- and inter-ministerial procedures and staffing, and other institutions with the mandate and capacity to broaden women's participation and integrate gender analysis into policies and programmes. The first step in this process for all institutions should be to review their objectives, programmes and operational procedures in terms of the actions called for in the Platform. A key activity should be to promote public awareness and support for the goals of the Platform for Action, inter alia, through the mass media and public education.
297. As soon as possible, preferably by the end of

- 1995, Governments, in consultation with relevant institutions and non-governmental organisations, should begin to develop implementation strategies for the Platform and, preferably by the end of
- 1996, should have developed their strategies or plans of action. This planning process should draw upon persons at the highest level of authority in Government and relevant actors in civil society. These implementation strategies should be comprehensive, have time-bound targets and benchmarks for monitoring, and include proposals for allocating or reallocating resources for implementation. Where necessary, the support of the international community could be enlisted, including resources.
298. Non-governmental organisations should be encouraged to contribute to the design and implementation of these strategies or national plans of action. They should also be encouraged to develop their own programmes to complement government efforts. Women's organisations and feminist groups, in collaboration with other non-governmental organisations, should be encouraged to organise networks, as necessary, and to advocate for and support the implementation of the Platform for Action by Governments and regional and international bodies.
299. Governments should commit themselves to gender balance, *inter alia*, through the creation of special mechanisms, in all government-appointed committees, boards and other relevant official bodies, as appropriate, as well as in all international bodies, institutions and organisations, notably by presenting and promoting more women candidates.
- 299 bis. Regional and international organisations, in particular development institutions, especially IN-STRAW, UNIFEM and bilateral donors, should provide financial and advisory assistance to national machinery in order to increase its ability to gather information, develop networks and carry out its mandate, in addition to strengthening international mechanisms to promote the advancement of women through their respective mandates, in cooperation with Governments.

## **B. Subregional/regional level**

300. The regional commissions of the United Nations and other subregional/ regional structures should promote and assist the pertinent national institutions in monitoring and implementing the global Platform for Action within their mandates. This should be done in coordination with the implementation of the respective regional platforms or plans of action and in close collaboration with the Commission on the Status of Women, taking into account the need for a coordinated follow-up to United Nations conferences in the economic, social, human rights and related fields.
301. In order to facilitate the regional implementation, monitoring and evaluation process, the Economic and Social Council should consider reviewing the institutional capacity of the United Nations regional commissions within their mandates, including their women's units/focal points, to deal with gender issues in the light of the Platform for Action, as well as the regional platforms or plans for action. Consideration should be given, *inter alia*, and, where appropriate, to strengthening capacity in this respect.
302. Within their existing mandates and activities, the regional commissions should mainstream women's issues and gender perspectives and should also consider the establishment of mechanisms and processes to ensure the implementation and monitoring of both the Platform for Action and the regional plans and platforms for action. The regional commissions should, within their mandates, collaborate on gender issues with other regional intergovernmental organisations, non-governmental organisations, financial and research institutions and the private sector.
303. Regional offices of the specialised agencies of the United Nations system should, as appropriate, develop and publicise a plan of action for implementing the Platform for Action, including the identification of time-frames and resources. Technical assistance and operational activities at the regional level should establish well-identified targets for the advancement of women. To this end, regular coordination should be undertaken among United Nations bodies and agencies.
304. Non-governmental organisations within the region should be supported in their efforts to develop networks to coordinate advocacy and dissemination of information about the global Platform for Action and the respective regional platforms or plans of action.

## **C. International level**

### **1. United Nations**

305. The Platform for Action needs to be implemented through the work of all of the bodies and organisations of the United Nations system during the period 1995-2000, specifically and as an integral part of wider programming. An enhanced framework for international cooperation for gender issues must be developed during the period 1995-2000 in order to ensure the integrated and comprehensive implementation, follow-up and assessment of the Platform for Action, taking into account the results of global United Nations summits and conferences. The fact that at all of these summits and conferences, Governments have committed themselves to the empowerment of women in different areas, makes coordination crucial to the follow-up strategies for this Platform for Action. The Agenda for Development and the Agenda for Peace should take into account the Platform for Action of the Fourth World Conference on Women.
306. The institutional capacity of the United Nations system to carry out and coordinate its responsibility for implementing the Platform for Action, as well as its expertise and working methods to promote the advancement of women, should be improved.
307. Responsibility for ensuring the implementation of the Platform for Action and the integration of a gender perspective into all policies and programmes of the United Nations system must rest at the highest levels.
308. To improve the system's efficiency and effectiveness in providing support for equality and women's empowerment at the national level and to enhance its capacity to achieve the objectives of the Platform for Action, there is a need to renew, reform and revitalise various parts of the United Nations system. This would include reviewing and strengthening the strategies and working methods of different United Nations mechanisms for the advancement of women with a view to rationalising and, as appropriate, strengthening their advisory, catalytic and monitoring functions in relation to mainstream bodies and agencies. Women/gender units are important for effective mainstreaming, but strategies must be further developed to prevent inadvertent marginalisation as opposed to mainstreaming of the gender dimension throughout all operations.
309. Moved to the end of paragraph 327.
310. In following up the Fourth World Conference on Women, all entities of the United Nations system focusing on the advancement of women should have the necessary resources and support to carry out follow-up activities. The efforts of gender focal points within organisations should be well integrated into overall policy, planning, programming and budgeting.
311. Action must be taken by the United Nations and other international organisations to eliminate barriers to the advancement of women within their organisations in accordance with the Platform for Action.

### **General Assembly**

313. The General Assembly, as the highest intergovernmental body in the United Nations, is the principal policy-making and appraisal organ on matters relating to the follow-up to the Conference, and as such, should integrate gender issues throughout its work. It should appraise progress in the effective implementation of the Platform for Action, recognising that these issues cut across social, political and economic policy. At its fiftieth session, in 1995, the General Assembly will have before it the report of the Fourth World Conference on Women. In accordance with its resolution 49/161, it will also examine a report of the Secretary-General on the follow-up to the Conference, taking into account the recommendations of the Conference. The General Assembly should include the follow-up to the Conference as part of its continuing work on the advancement of women. In 1996, 1998 and 2000, it should review the implementation of the Platform for Action.

## Economic and Social Council

314. The Economic and Social Council, in the context of its role under the Charter of the United Nations and in accordance with General Assembly resolutions 45/264, 46/235 and 48/162, would oversee system-wide coordination in the implementation of the Platform for action and make recommendations in this regard. The Council should be invited to review the implementation of the Platform for Action, giving due consideration to the reports of the Commission on the Status of Women. As coordinating body, the Council should be invited to review the mandate of the Commission on the Status of Women, taking into account the need for effective coordination with other related commissions and Conference follow-up. The Council should incorporate gender issues into its discussion of all policy questions, giving due consideration to recommendations prepared by the Commission. It should consider dedicating at least one high-level segment before the year 2000 to the advancement of women and implementation of the Platform for Action with the active involvement and participation, inter alia, of the specialised agencies, including the World Bank and IMF.
315. The Council should consider dedicating at least one coordination segment before the year 2000 to coordination of the advancement of women, based on the revised system-wide medium-term plan for the advancement of women.
316. The Council should consider dedicating at least one operational activities segment before the year 2000 to the coordination of development activities related to gender, based on the revised system-wide medium-term plan for the advancement of women, with a view to instituting guidelines and procedures for implementation of the Platform for Action by the funds and programmes of the United Nations system.
317. The Administrative Committee on Coordination (ACC) should consider how its participating entities might best coordinate their activities, inter alia, through existing procedures at the inter-agency level for ensuring system-wide coordination to implement and help follow up the objectives of the Platform for Action. Commission on the Status of Women
318. The General Assembly and the Economic and Social Council, in accordance with their respective mandates, are invited to review and strengthen the mandate of the Commission on the Status of Women, taking into account the Platform for Action as well as the need for synergy with other related commissions and Conference follow-up, and for a system-wide approach to its implementation.
319. As a functional commission assisting the Economic and Social Council, the Commission on the Status of Women should have a central role in monitoring, within the United Nations system, the implementation of the Platform for Action and advising the Council thereon. It should have a clear mandate with sufficient human and financial resources, through the reallocation of resources within the regular budget of the United Nations to carry it out.
320. The Commission on the Status of Women should assist the Economic and Social Council in its coordination of the reporting on the implementation of the Platform for Action with the relevant organisations of the United Nations system. The Commission should draw upon inputs from other organisations of the United Nations system and other sources, as appropriate.
321. The Commission on the Status of Women, in developing its work programme for the period 1996-2000, should review the critical areas of concern in the Platform for Action and consider how to integrate in its agenda the follow-up to the World Conference on Women. In this context, the Commission on the Status of Women should consider how it could further develop its catalytic role in mainstreaming a gender perspective in United Nations activities.

## Other functional commissions

322. Within their mandates, other functional commissions of the Economic and Social Council should also take due account of the Platform for Action and ensure the integration of gender aspects in their respective work. Committee on the Elimination of Discrimination against Women and other treaty bodies



323. The Committee on the Elimination of Discrimination against Women, in implementing its responsibilities under the Convention on the Elimination of All Forms of Discrimination against Women, should, within its mandate, take into account the Platform for Action when considering the reports submitted by States parties.
324. States parties to the Convention on the Elimination of All Forms of Discrimination against Women are invited, when reporting under article 18 of the Convention, to include information on measures taken to implement the Platform for Action in order to facilitate the Committee on the Elimination of Discrimination against Women in monitoring effectively women's ability to enjoy the rights guaranteed by the Convention.
325. The ability of the Committee on the Elimination of Discrimination against Women to monitor implementation of the Convention should be strengthened through the provision of human and financial resources within the regular budget of the United Nations, including expert legal assistance and, in accordance with General Assembly resolution 49/164 and the decision made by the meeting of States parties to the Convention held in May 1995, sufficient meeting time for the Committee. The Committee should increase its coordination with other human rights treaty bodies, taking into account the recommendations in the Vienna Declaration and Programme of Action.
326. Within their mandate, other treaty bodies should also take due account of the implementation of the Platform for Action and ensure the integration of the equal status and human rights of women in their work.

#### **United Nations Secretariat**

##### **Office of the Secretary-General**

327. The Secretary-General is requested to assume responsibility for coordination of policy within the United Nations for the implementation of the Platform for Action and for the mainstreaming of a system-wide gender perspective in all activities of the United Nations, taking into account the mandates of the bodies concerned. The Secretary-General should consider specific measures for ensuring effective coordination in the implementation of these objectives. To this end, the Secretary-General is invited to establish a high-level post in the office of the Secretary-General, using existing human and financial resources, to act as the Secretary-General's adviser on gender issues and to help ensure system-wide implementation of the Platform for Action in close cooperation with the Division for the Advancement of Women.

##### **Division for the Advancement of Women**

328. The primary function of the Division for the Advancement of Women the Department for Policy Coordination and Sustainable Development is to provide substantive servicing to the Commission on the Status of Women and other intergovernmental bodies when they are concerned with the advancement of women, as well as to the Committee on the Elimination of Discrimination against Women. It has been designated a focal point for the implementation of the Nairobi Forward-looking Strategies for the Advancement of Women. In the light of the review of the mandate of the Commission on the Status of Women, as set out in paragraph 314, the functions of the Division for the Advancement of Women will also need to be assessed. The Secretary-General is requested to ensure more effective functioning of the Division by, inter alia, providing sufficient human and financial resources within the regular budget of the United Nations.
329. The Division should examine the obstacles to the advancement of women through the application of gender impact analysis in policy studies for the Commission on the Status of Women and through support to other subsidiary bodies. After the Fourth World Conference on Women it should play a coordinating role in preparing the revision of the system-wide medium-term plan for the advancement of women for the period 1996-2001 and should continue serving as the secretariat for inter-agency coordination for the advancement of women. It should continue to maintain a flow of information with national commissions, national institutions for the advancement of women and non-governmental organisations with regard to implementation of the Platform for Action.



### Other units of the United Nations Secretariat

330. The various units of the United Nations Secretariat should examine their programmes to determine how they can best contribute to the coordinated implementation of the Platform for Action. Proposals for implementation of the Platform need to be reflected in the revision of the system-wide medium-term plan for the advancement of women for the period 1996-2001, as well as in the proposed United Nations medium-term plan for the period 1998-2002. The content of the actions will depend on the mandates of the bodies concerned.
331. Existing and new linkages should be developed throughout the Secretariat in order to ensure that the gender perspective is introduced as a central dimension in all activities of the Secretariat.
332. The Office of Human Resources Management should, in collaboration with programme managers worldwide, and in accordance with the strategic plan of action for the improvement of the status of women in the Secretariat (1995- 2000), continue to accord priority to the recruitment and promotion of women in posts subject to geographical distribution, particularly in senior policy-level and decision-making posts, in order to achieve the goals set out in General Assembly resolutions 45/125 and 45/239 C and reaffirmed in General Assembly resolutions 46/100, 47/93, 48/106 and 49/167. The training service should design and conduct regular gender-sensitivity training or include gender-sensitivity training in all of its activities.
333. The Department of Public Information should seek to integrate a gender perspective in its general information activities, and, within existing resources, strengthen and improve its programmes on women and the girl child. To this end, the Department should formulate a multimedia communications strategy to support the implementation of the Platform for Action, taking new technology fully into account. Regular outputs of the Department should promote the goals of the Platform, particularly in developing countries.
334. The Statistical Division of the Department for Economic and Social Information and Policy Analysis should have an important coordinating role in international work in statistics, as described above in section IV, strategic objective H.3. International Research and Training Institute for the Advancement of Women
335. INSTRAW has a mandate to promote research and training on women's situation and development. In the light of the Platform for Action, INSTRAW should review its work programme and develop a programme for implementing those aspects of the Platform for Action that fall within its mandate. It should identify those types of research and research methodologies to be given priority, strengthen national capacities to carry out women's studies and gender research, including that on the status of the girl child, and develop networks of research institutions that can be mobilised for that purpose. It should also identify those types of education and training that can be effectively supported and promoted by the Institute. United Nations Development Fund for Women
336. UNIFEM has the mandate to increase options and opportunities for women's economic and social development in developing countries by providing technical and financial assistance to incorporate the women's dimension into development at all levels. Therefore, UNIFEM should review and strengthen, as appropriate, its work programme in the light of the Platform for Action, focusing on women's political and economic empowerment. Its advocacy role should concentrate on fostering a multilateral policy dialogue on women's empowerment. Adequate resources for carrying out its functions should be made available. Specialised agencies and other organisations of the United Nations system
337. To strengthen their support for actions at the national level and to enhance their contributions to coordinated follow-up by the United Nations, each organisation should set out the specific actions they will undertake, including goals and targets to realign priorities and redirect resources to meet the global priorities identified in the Platform for Action. There should be a clear delineation of responsibility and accountability. These proposals should in turn be reflected in the system-wide medium-term plan for the advancement of women for the period 1996-2001.

338. Each organisation should commit itself at the highest level and, in pursuing its targets, should take steps to enhance and support the roles and responsibilities of its focal points on women's issues.
339. In addition, specialised agencies with mandates to provide technical assistance in developing countries, particularly in Africa and the least developed countries, should cooperate more to ensure the continuing promotion of the advancement of women.
340. The United Nations system should consider and provide appropriate technical assistance and other forms of assistance to the countries with economies in transition in order to facilitate solution of their specific problems regarding the advancement of women.
341. Each organisation should accord greater priority to the recruitment and promotion of women at the Professional level to achieve gender balance, particularly at decision-making levels. The paramount consideration in the employment of the staff and in the determination of the conditions of service should be the necessity of securing the highest standards of efficiency, competence and integrity. Due regard should be paid to the importance of recruiting the staff on as wide a geographical basis as possible. Organisations should report regularly to their governing bodies on progress towards this goal.
342. Coordination of United Nations operational activities for development at the country level should be improved through the resident coordinator system in accordance with relevant resolutions of the General Assembly, in particular General Assembly resolution 47/199, to take full account of the Platform for Action.

## **2. Other international institutions and organisations**

343. In implementing the Platform for Action, international financial institutions are encouraged to review and revise policies, procedures and staffing to ensure that investments and programmes benefit women and thus contribute to sustainable development. They are also encouraged to increase the number of women in high-level positions, increase staff training in gender analysis and institute policies and guidelines to ensure full consideration of the differential impact of lending programmes and other activities on women and men. In this regard, the Bretton Woods institutions, the United Nations, as well as its funds and programmes and the specialised agencies, should establish regular and substantive dialogues, including at the field level, for more efficient and effective coordination of their assistance in order to strengthen the effectiveness of their programmes for the benefit of women and their families.
344. The General Assembly should give consideration to inviting the World Trade Organisation to consider how it might contribute to the implementation of the Platform for Action, including activities in cooperation with the United Nations system.
345. International non-governmental organisations have an important role to play in implementing the Platform for Action. Consideration should be given to establishing a mechanism for collaborating with non-governmental organisations to promote the implementation of the Platform at various levels.

## **Chapter VI**

### **FINANCIAL ARRANGEMENTS**

346. Financial and human resources have generally been insufficient for the advancement of women. This has contributed to the slow progress to date in implementing the Nairobi Forward-looking Strategies for the Advancement of Women. Full and effective implementation of the Platform for Action, including the relevant commitments made at previous United Nations summits and conferences, will require a political commitment to make available human and financial resources for the empowerment of women. This will require the integration of a gender perspective in budgetary decisions on policies and programmes, as well as the adequate financing of specific programmes for securing equality between

women and men. To implement the Platform for Action, funding will need to be identified and mobilised from all sources and across all sectors. The reformulation of policies and reallocation of resources may be needed within and among programmes, but some policy changes may not necessarily have financial implications. Mobilisation of additional resources, both public and private, including resources from innovative sources of funding, may also be necessary.

### **A. National level**

347. The primary responsibility for implementing the strategic objectives of the Platform for Action rests with Governments. To achieve these objectives, Governments should make efforts to systematically review how women benefit from public sector expenditures; adjust budgets to ensure equality of access to public sector expenditures, both for enhancing productive capacity and for meeting social needs; and achieve the gender-related commitments made in other United Nations summits and conferences. To develop successful national implementation strategies for the Platform for Action, Governments should allocate sufficient resources, including resources for undertaking gender-impact analysis. Governments should also encourage non-governmental organisations and private-sector and other institutions to mobilise additional resources.
348. Sufficient resources should be allocated to national machineries for the advancement of women as well as to all institutions, as appropriate, that can contribute to the implementation and monitoring of the Platform for Action.
349. Where national machineries for the advancement of women do not yet exist or where they have not yet been established on a permanent basis, Governments should strive to make available sufficient and continuing resources for such machineries.
350. To facilitate the implementation of the Platform for Action, Governments should reduce, as appropriate, excessive military expenditures and investments for arms production and acquisition, consistent with national security requirements.
351. Non-governmental organisations, the private sector and other actors of civil society should be encouraged to consider allocating the resources necessary for the implementation of the Platform for Action. Governments should create a supportive environment for the mobilisation of resources by non-governmental organisations, particularly women's organisations and networks, feminist groups, the private sector and other actors of civil society, to enable them to contribute towards this end. The capacity of non-governmental organisations in this regard should be strengthened and enhanced.

### **B. Regional level**

352. Regional development banks, regional business associations and other regional institutions should be invited to contribute to and help mobilise resources in their lending and other activities for the implementation of the Platform for Action. They should also be encouraged to take account of the Platform for Action in their policies and funding modalities.
353. The subregional and regional organisations and the United Nations regional commissions should, where appropriate and within their existing mandates, assist in the mobilisation of funds for the implementation of the Platform for Action.

### **C. International level**

354. Adequate financial resources should be committed at the international level for the implementation of the Platform for Action in the developing countries, particularly in Africa and the least developed countries. Strengthening national capacities in developing countries to implement the Platform for Action will require striving for the fulfilment of the agreed target of 0.7 per cent of the gross national product of developed countries for overall official development assistance as soon as possible, as well as increasing the share of funding for activities designed to implement the Platform for Action.

Furthermore, countries involved in development cooperation should conduct a critical analysis of their assistance programmes so as to improve the quality and effectiveness of aid through the integration of a gender approach.

355. International financial institutions, including the World Bank, the International Monetary Fund, the International Fund for Agricultural Development and the regional development banks, should be invited to examine their grants and lending and to allocate loans and grants to programmes for implementing the Platform for Action in developing countries, especially in Africa and the least developed countries.
356. The United Nations system should provide technical cooperation and other forms of assistance to the developing countries, in particular in Africa and the least developed countries, in implementing the Platform for Action.
357. Implementation of the Platform for Action in the countries with economies in transition will require continued international cooperation and assistance. The organisations and bodies of the United Nations system, including the technical and sectoral agencies, should facilitate the efforts of those countries in designing and implementing policies and programmes for the advancement of women. To this end, the International Monetary Fund and the World Bank should be invited to assist those efforts.
358. The outcome of the United Nations World Summit for Social Development regarding debt management and reduction as well as other United Nations world summits and conferences should be implemented in order to facilitate the realisation of the objectives of the Platform for Action.
359. To facilitate implementation of the Platform for Action, interested developed and developing country partners, agreeing on a mutual commitment to allocate, on average, 20 per cent of official development assistance and 20 per cent of the national budget to basic social programmes should take into account a gender perspective.
360. Development funds and programmes of the United Nations system should undertake an immediate analysis of the extent to which their programmes and projects are directed to implementing the Platform for Action and, for the next programming cycle, should ensure the adequacy of resources targeted towards eliminating disparities between women and men in their technical assistance and funding activities.
361. Recognising the roles of United Nations funds, programmes and specialised agencies, in particular the special roles of UNIFEM and INSTRAW, in the promotion of the empowerment of women, and therefore in the implementation of the Platform for Action within their respective mandates, inter alia, in research, training and information activities for the advancement of women as well as technical and financial assistance to incorporate a gender perspective in development efforts, the resources provided by the international community need to be sufficient and should be maintained at an adequate level.
362. To improve the efficiency and effectiveness of the United Nations system in its efforts to promote the advancement of women and to enhance its capacity to further the objectives of the Platform for Action, there is a need to renew, reform and revitalise various parts of the United Nations system, especially the Division for the Advancement of Women of the United Nations Secretariat, as well as other units and subsidiary bodies that have a specific mandate to promote the advancement of women. In this regard, relevant governing bodies within the United Nations system are encouraged to give special consideration to the effective implementation of the Platform for Action and to review their policies, programmes, budgets and activities in order to achieve the most effective and efficient use of funds to this end. Allocation of additional resources from within the United Nations regular budget in order to implement the Platform for Action will also be necessary.

# protection of women from domestic violence act, 2005

NO. 43 OF 2005.

[13th September, 2005.]

An Act to provide for more effective protection of the rights of women guaranteed under the Constitution who are victims of violence of any kind occurring within the family and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:-

## CHAPTER I

### PRELIMINARY

1. Short title, extent and commencement.-
  - (1) This Act may be called the Protection of Women from Domestic Violence Act, 2005.
  - (2) It extends to the whole of India except the State of Jammu and Kashmir.
  - (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
2. Definitions.-In this Act, unless the context otherwise requires,-
  - (a) "aggrieved person" means any woman who is, or has been, in a domestic relationship with the respondent and who alleges to have been subjected to any act of domestic violence by the respondent;
  - (b) "child" means any person below the age of eighteen years and includes any adopted, step or foster child;
  - (c) "compensation order" means an order granted in terms of section 22;
  - (d) "custody order" means an order granted in terms of section 21;
  - (e) "domestic incident report" means a report made in the prescribed form on receipt of a complaint of domestic violence from an aggrieved person;
  - (f) "domestic relationship" means a relationship between two persons who live or have, at any point of time, lived together in a shared household, when they are related by consanguinity, marriage, or through a relationship in the nature of marriage, adoption or are family members living together as a joint family;
  - (g) "domestic violence" has the same meaning as assigned to it in section 3;
  - (h) "dowry" shall have the same meaning as assigned to it in section 2 of the Dowry Prohibition Act, 1961 (28 of 1961)

- (i) "Magistrate" means the Judicial Magistrate of the first class, or as the case may be, the Metropolitan Magistrate, exercising jurisdiction under the Code of Criminal Procedure, 1973 (2 of 1974) in the area where the aggrieved person resides temporarily or otherwise or the respondent resides or the domestic violence is alleged to have taken place;
- (j) "medical facility" means such facility as may be notified by the State Government to be a medical facility for the purposes of this Act;
- (k) "monetary relief" means the compensation which the Magistrate may order the respondent to pay to the aggrieved person, at any stage during the hearing of an application seeking any relief under this Act, to meet the expenses incurred and the losses suffered by the aggrieved person as a result of the domestic violence;
- (l) "notification" means a notification published in the Official Gazette and the expression "notified" shall be construed accordingly;
- (m) "prescribed" means prescribed by rules made under this Act;
- (n) "Protection Officer" means an officer appointed by the State Government under sub-section (1) of section 8;
- (o) "protection order" means an order made in terms of section 18;
- (p) "residence order" means an order granted in terms of sub-section (1) of section 19;
- (q) "respondent" means any adult male person who is, or has been, in a domestic relationship with the aggrieved person and against whom the aggrieved person has sought any relief under this Act:

Provided that an aggrieved wife or female living in a relationship in the nature of a marriage may also file a complaint against a relative of the husband or the male partner;

- (r) "service provider" means an entity registered under sub-section (1) of section 10;
- (s) "shared household" means a household where the person aggrieved lives or at any stage has lived in a domestic relationship either singly or along with the respondent and includes such a household whether owned or tenanted either jointly by the aggrieved person and the respondent, or owned or tenanted by either of them in respect of which either the aggrieved person or the respondent or both jointly or singly have any right, title, interest or equity and includes such a household which may belong to the joint family of which the respondent is a member, irrespective of whether the respondent or the aggrieved person has any right, title or interest in the shared household;
- (t) "shelter home" means any shelter home as may be notified by the State Government to be a shelter home for the purposes of this Act.

## CHAPTER II

### DOMESTIC VIOLENCE

3. Definition of domestic violence.-For the purposes of this Act, any act, omission or commission or conduct of the respondent shall constitute domestic violence in case it -
- (a) harms or injures or endangers the health, safety, life, limb or well-being, whether mental or physical, of the aggrieved person or tends to do so and includes causing physical abuse, sexual abuse, verbal and emotional abuse and economic abuse; or
  - (b) harasses, harms, injures or endangers the aggrieved person with a view to coerce her or any other person related to her to meet any unlawful demand for any dowry or other property or valuable security; or
  - (c) has the effect of threatening the aggrieved person or any person related to her by any conduct mentioned in clause (a) or clause (b); or
  - (d) otherwise injures or causes harm, whether physical or mental, to the aggrieved person.



Explanation I.-For the purposes of this section,-

- (i) “physical abuse” means any act or conduct which is of such a nature as to cause bodily pain, harm, or danger to life, limb, or health or impair the health or development of the aggrieved person and includes assault, criminal intimidation and criminal force;
- (ii) “sexual abuse” includes any conduct of a sexual nature that abuses, humiliates, degrades or otherwise violates the dignity of woman;
- (iii) “verbal and emotional abuse” includes-
  - (a) insults, ridicule, humiliation, name calling and insults or ridicule specially with regard to not having a child or a male child; and
  - (b) repeated threats to cause physical pain to any person in whom the aggrieved person is interested.
- (iv) “economic abuse” includes-
  - (a) deprivation of all or any economic or financial resources to which the aggrieved person is entitled under any law or custom whether payable under an order of a court or otherwise or which the aggrieved person requires out of necessity including, but not limited to, household necessities for the aggrieved person and her children, if any, stridhan, property, jointly or separately owned by the aggrieved person, payment of rental related to the shared household and maintenance;
  - (b) disposal of household effects, any alienation of assets whether movable or immovable, valuables, shares, securities, bonds and the like or other property in which the aggrieved person has an interest or is entitled to use by virtue of the domestic relationship or which may be reasonably required by the aggrieved person or her children or her stridhan or any other property jointly or separately held by the aggrieved person; and
  - (c) prohibition or restriction to continued access to resources or facilities which the aggrieved person is entitled to use or enjoy by virtue of the domestic relationship including access to the shared household.

Explanation II.-For the purpose of determining whether any act, omission, commission or conduct of the respondent constitutes “domestic violence” under this section, the overall facts and circumstances of the case shall be taken into consideration.

## CHAPTER III

### POWERS AND DUTIES OF PROTECTION OFFICERS, SERVICE PROVIDERS, ETC.

- 4. Information to Protection Officer and exclusion of liability of informant.-
  - (1) Any person who has reason to believe that an act of domestic violence has been, or is being, or is likely to be committed, may give information about it to the concerned Protection Officer.
  - (2) No liability, civil or criminal, shall be incurred by any person for giving in good faith of information for the purpose of sub-section (1).
- 5. Duties of police officers, service providers and Magistrate.-A police officer, Protection Officer, service provider or Magistrate who has received a complaint of domestic violence or is otherwise present at the place of an incident of domestic violence or when the incident of domestic violence is reported to him, shall inform the aggrieved person-
  - (a) of her right to make an application for obtaining a relief by way of a protection order, an order for monetary relief, a custody order, a residence order, a compensation order or more than one such order under this Act;
  - (b) of the availability of services of service providers;

- (c) of the availability of services of the Protection Officers;
- (d) of her right to free legal services under the Legal Services Authorities Act, 1987 (39 of 1987)
- (e) of her right to file a complaint under section 498A of the Indian Penal Code (45 of 1860), wherever relevant:

Provided that nothing in this Act shall be construed in any manner as to relieve a police officer from his duty to proceed in accordance with law upon receipt of information as to the commission of a cognisable offence.

6. Duties of shelter homes.-If an aggrieved person or on her behalf a Protection Officer or a service provider requests the person in charge of a shelter home to provide shelter to her, such person in charge of the shelter home shall provide shelter to the aggrieved person in the shelter home.
7. Duties of medical facilities.-If an aggrieved person or, on her behalf a Protection Officer or a service provider requests the person in charge of a medical facility to provide any medical aid to her, such person in charge of the medical facility shall provide medical aid to the aggrieved person in the medical facility.
8. Appointment of Protection Officers.-
  - (1) The State Government shall, by notification, appoint such number of Protection Officers in each district as it may consider necessary and shall also notify the area or areas within which a Protection Officer shall exercise the powers and perform the duties conferred on him by or under this Act.
  - (2) The Protection Officers shall as far as possible be women and shall possess such qualifications and experience as may be prescribed.
  - (3) The terms and conditions of service of the Protection Officer and the other officers subordinate to him shall be such as may be prescribed.
9. Duties and functions of Protection Officers.-
  - (1) It shall be the duty of the Protection Officer-
    - (a) to assist the Magistrate in the discharge of his functions under this Act;
    - (b) to make a domestic incident report to the Magistrate, in such form and in such manner as may be prescribed, upon receipt of a complaint of domestic violence and forward copies thereof to the police officer in charge of the police station within the local limits of whose jurisdiction domestic violence is alleged to have been committed and to the service providers in that area;
    - (c) to make an application in such form and in such manner as may be prescribed to the Magistrate, if the aggrieved person so desires, claiming relief for issuance of a protection order;
    - (d) to ensure that the aggrieved person is provided legal aid under the Legal Services Authorities Act, 1987 (39 of 1987) and make available free of cost the prescribed form in which a complaint is to be made;
    - (e) to maintain a list of all service providers providing legal aid or counselling, shelter homes and medical facilities in a local area within the jurisdiction of the Magistrate;
    - (f) to make available a safe shelter home, if the aggrieved person so requires and forward a copy of his report of having lodged the aggrieved person in a shelter home to the police station and the Magistrate having jurisdiction in the area where the shelter home is situated;
    - (g) to get the aggrieved person medically examined, if she has sustained bodily injuries and forward a copy of the medical report to the police station and the Magistrate having jurisdiction in the area where the domestic violence is alleged to have been taken place;
    - (h) to ensure that the order for monetary relief under section 20 is complied with and executed, in accordance with the procedure prescribed under the Code of Criminal Procedure, 1973 (2 of 1974)
    - (i) to perform such other duties as may be prescribed.

- (2) The Protection Officer shall be under the control and supervision of the Magistrate, and shall perform the duties imposed on him by the Magistrate and the Government by, or under, this Act.
10. Service providers.-
- (1) Subject to such rules as may be made in this behalf, any voluntary association registered under the Societies Registration Act, 1860 (21 of 1860) or a company registered under the Companies Act, 1956 (1 of 1956) or any other law for the time being in force with the objective of protecting the rights and interests of women by any lawful means including providing of legal aid, medical, financial or other assistance shall register itself with the State Government as a service provider for the purposes of this Act.
- (2) A service provider registered under sub-section (1) shall have the power to-
- record the domestic incident report in the prescribed form if the aggrieved person so desires and forward a copy thereof to the Magistrate and the Protection Officer having jurisdiction in the area where the domestic violence took place;
  - get the aggrieved person medically examined and forward a copy of the medical report to the Protection Officer and the police station within the local limits of which the domestic violence took place;
  - ensure that the aggrieved person is provided shelter in a shelter home, if she so requires and forward a report of the lodging of the aggrieved person in the shelter home to the police station within the local limits of which the domestic violence took place.
- (3) No suit, prosecution or other legal proceeding shall lie against any service provider or any member of the service provider who is, or who is deemed to be, acting or purporting to act under this Act, for anything which is in good faith done or intended to be done in the exercise of powers or discharge of functions under this Act towards the prevention of the commission of domestic violence.
11. Duties of Government.-The Central Government and every State Government, shall take all measures to ensure that-
- the provisions of this Act are given wide publicity through public media including the television, radio and the print media at regular intervals;
  - the Central Government and State Government officers including the police officers and the members of the judicial services are given periodic sensitisation and awareness training on the issues addressed by this Act;
  - effective co-ordination between the services provided by concerned Ministries and Departments dealing with law, home affairs including law and order, health and human resources to address issues of domestic violence is established and periodical review of the same is conducted;
  - protocols for the various Ministries concerned with the delivery of services to women under this Act including the courts are prepared and put in place.

## CHAPTER IV

### PROCEDURE FOR OBTAINING ORDERS OF RELIEFS

#### 12. Application to Magistrate.-

- (1) An aggrieved person or a Protection Officer or any other person on behalf of the aggrieved person may present an application to the Magistrate seeking one or more reliefs under this Act:

Provided that before passing any order on such application, the Magistrate shall take into consideration any domestic incident report received by him from the Protection Officer or the service provider.

- (2) The relief sought for under sub-section (1) may include a relief for issuance of an order for payment of compensation or damages without prejudice to the right of such person to institute a suit for compensation or damages for the injuries caused by the acts of domestic violence committed by the respondent:

Provided that where a decree for any amount as compensation or damages has been passed by any court in favour of the aggrieved person, the amount, if any, paid or payable in pursuance of the order made by the Magistrate under this Act shall be set off against the amount payable under such decree and the decree shall, notwithstanding anything contained in the Code of Civil Procedure, 1908 (5 of 1908), or any other law for the time being in force, be executable for the balance amount, if any, left after such set off.

- (3) Every application under sub-section (1) shall be in such form and contain such particulars as may be prescribed or as nearly as possible thereto.
  - (4) The Magistrate shall fix the first date of hearing, which shall not ordinarily be beyond three days from the date of receipt of the application by the court.
  - (5) The Magistrate shall endeavour to dispose of every application made under sub-section (1) within a period of sixty days from the date of its first hearing.
13. Service of notice.-
- (1) A notice of the date of hearing fixed under section 12 shall be given by the Magistrate to the Protection Officer, who shall get it served by such means as may be prescribed on the respondent, and on any other person, as directed by the Magistrate within a maximum period of two days or such further reasonable time as may be allowed by the Magistrate from the date of its receipt.
  - (2) A declaration of service of notice made by the Protection Officer in such form as may be prescribed shall be the proof that such notice was served upon the respondent and on any other person as directed by the Magistrate unless the contrary is proved.
14. Counselling.-
- (1) The Magistrate may, at any stage of the proceedings under this Act, direct the respondent or the aggrieved person, either singly or jointly, to undergo counselling with any member of a service provider who possess such qualifications and experience in counselling as may be prescribed.
  - (2) Where the Magistrate has issued any direction under sub-section (1), he shall fix the next date of hearing of the case within a period not exceeding two months.
15. Assistance of welfare expert.-In any proceeding under this Act, the Magistrate may secure the services of such person, preferably a woman, whether related to the aggrieved person or not, including a person engaged in promoting family welfare as he thinks fit, for the purpose of assisting him in discharging his functions.
16. Proceedings to be held in camera.-If the Magistrate considers that the circumstances of the case so warrant, and if either party to the proceedings so desires, he may conduct the proceedings under this Act in camera.
17. Right to reside in a shared household.-
- (1) Notwithstanding anything contained in any other law for the time being in force, every woman in a domestic relationship shall have the right to reside in the shared household, whether or not she has any right, title or beneficial interest in the same.
  - (2) The aggrieved person shall not be evicted or excluded from the shared household or any part of it by the respondent save in accordance with the procedure established by law.
18. Protection orders.-The Magistrate may, after giving the aggrieved person and the respondent an opportunity of being heard and on being prima facie satisfied that domestic violence has taken place or is likely to take place, pass a protection order in favour of the aggrieved person and prohibit the respondent from-
- (a) committing any act of domestic violence;
  - (b) aiding or abetting in the commission of acts of domestic violence;
  - (c) entering the place of employment of the aggrieved person or, if the person aggrieved is a child, its school or any other place frequented by the aggrieved person;

- (d) attempting to communicate in any form, whatsoever, with the aggrieved person, including personal, oral or written or electronic or telephonic contact;
- (e) alienating any assets, operating bank lockers or bank accounts used or held or enjoyed by both the parties, jointly by the aggrieved person and the respondent or singly by the respondent, including her stridhan or any other property held either jointly by the parties or separately by them without the leave of the Magistrate;
- (f) causing violence to the dependants, other relatives or any person who give the aggrieved person assistance from domestic violence;
- (g) committing any other act as specified in the protection order.

19. Residence orders.-

- (1) While disposing of an application under sub-section (1) of section 12, the Magistrate may, on being satisfied that domestic violence has taken place, pass a residence order -
  - (a) restraining the respondent from dispossession or in any other manner disturbing the possession of the aggrieved person from the shared household, whether or not the respondent has a legal or equitable interest in the shared household;
  - (b) directing the respondent to remove himself from the shared household;
  - (c) restraining the respondent or any of his relatives from entering any portion of the shared household in which the aggrieved person resides;
  - (d) restraining the respondent from alienating or disposing off the shared household or encumbering the same;
  - (e) restraining the respondent from renouncing his rights in the shared household except with the leave of the Magistrate; or
  - (f) directing the respondent to secure same level of alternate accommodation for the aggrieved person as enjoyed by her in the shared household or to pay rent for the same, if the circumstances so require:

Provided that no order under clause (b) shall be passed against any person who is a woman.

- (2) The Magistrate may impose any additional conditions or pass any other direction which he may deem reasonably necessary to protect or to provide for the safety of the aggrieved person or any child of such aggrieved person.
- (3) The Magistrate may require from the respondent to execute a bond, with or without sureties, for preventing the commission of domestic violence.
- (4) An order under sub-section (3) shall be deemed to be an order under Chapter VIII of the Code of Criminal Procedure, 1973 (2 of 1974) and shall be dealt with accordingly.
- (5) While passing an order under sub-section (1), sub-section (2) or sub-section (3), the court may also pass an order directing the officer in charge of the nearest police station to give protection to the aggrieved person or to assist her or the person making an application on her behalf in the implementation of the order.
- (6) While making an order under sub-section (1), the Magistrate may impose on the respondent obligations relating to the discharge of rent and other payments, having regard to the financial needs and resources of the parties.
- (7) The Magistrate may direct the officer in-charge of the police station in whose jurisdiction the Magistrate has been approached to assist in the implementation of the protection order.
- (8) The Magistrate may direct the respondent to return to the possession of the aggrieved person her stridhan or any other property or valuable security to which she is entitled to.

20. Monetary reliefs.-

- (1) While disposing of an application under sub-section (1) of section 12, the Magistrate may direct the respondent to pay monetary relief to meet the expenses incurred and losses suffered by the aggrieved person and any child of the aggrieved person as a result of the domestic violence and such relief may include, but not limited to,-
  - (a) the loss of earnings;
  - (b) the medical expenses;
  - (c) the loss caused due to the destruction, damage or removal of any property from the control of the aggrieved person; and
  - (d) the maintenance for the aggrieved person as well as her children, if any, including an order under or in addition to an order of maintenance under section 125 of the Code of Criminal Procedure, 1973 (2 of 1974) or any other law for the time being in force.
- (2) The monetary relief granted under this section shall be adequate, fair and reasonable and consistent with the standard of living to which the aggrieved person is accustomed.
- (3) The Magistrate shall have the power to order an appropriate lump sum payment or monthly payments of maintenance, as the nature and circumstances of the case may require.
- (4) The Magistrate shall send a copy of the order for monetary relief made under sub-section (1) to the parties to the application and to the in charge of the police station within the local limits of whose jurisdiction the respondent resides.
- (5) The respondent shall pay the monetary relief granted to the aggrieved person within the period specified in the order under sub-section (1).
- (6) Upon the failure on the part of the respondent to make payment in terms of the order under sub-section (1), the Magistrate may direct the employer or a debtor of the respondent, to directly pay to the aggrieved person or to deposit with the court a portion of the wages or salaries or debt due to or accrued to the credit of the respondent, which amount may be adjusted towards the monetary relief payable by the respondent.

21. Custody orders.-Notwithstanding anything contained in any other law for the time being in force, the Magistrate may, at any stage of hearing of the application for protection order or for any other relief under this Act grant temporary custody of any child or children to the aggrieved person or the person making an application on her behalf and specify, if necessary, the arrangements for visit of such child or children by the respondent:

Provided that if the Magistrate is of the opinion that any visit of the respondent may be harmful to the interests of the child or children, the Magistrate shall refuse to allow such visit.

22. Compensation orders.-In addition to other reliefs as may be granted under this Act, the Magistrate may on an application being made by the aggrieved person, pass an order directing the respondent to pay compensation and damages for the injuries, including mental torture and emotional distress, caused by the acts of domestic violence committed by that respondent.

23. Power to grant interim and ex parte orders.-

- (1) In any proceeding before him under this Act, the Magistrate may pass such interim order as he deems just and proper.
- (2) If the Magistrate is satisfied that an application prima facie discloses that the respondent is committing, or has committed an act of domestic violence or that there is a likelihood that the respondent may commit an act of domestic violence, he may grant an ex parte order on the basis of the affidavit in such form, as may be prescribed, of the aggrieved person under section 18, section 19, section 20, section 21 or, as the case may be, section 22 against the respondent.

24. Court to give copies of order free of cost.-The Magistrate shall, in all cases where he has passed any order under this Act, order that a copy of such order, shall be given free of cost, to the parties to the ap-



plication, the police officer in-charge of the police station in the jurisdiction of which the Magistrate has been approached, and any service provider located within the local limits of the jurisdiction of the court and if any service provider has registered a domestic incident report, to that service provider.

25. Duration and alteration of orders.-
- (1) A protection order made under section 18 shall be in force till the aggrieved person applies for discharge.
  - (2) If the Magistrate, on receipt of an application from the aggrieved person or the respondent, is satisfied that there is a change in the circumstances requiring alteration, modification or revocation of any order made under this Act, he may, for reasons to be recorded in writing pass such order, as he may deem appropriate.
26. Relief in other suits and legal proceedings.-
- (1) Any relief available under sections 18, 19, 20, 21 and 22 may also be sought in any legal proceeding, before a civil court, family court or a criminal court, affecting the aggrieved person and the respondent whether such proceeding was initiated before or after the commencement of this Act.
  - (2) Any relief referred to in sub-section (1) may be sought for in addition to and along with any other relief that the aggrieved person may seek in such suit or legal proceeding before a civil or criminal court.
  - (3) In case any relief has been obtained by the aggrieved person in any proceedings other than a proceeding under this Act, she shall be bound to inform the Magistrate of the grant of such relief.
27. Jurisdiction.-
- (1) The court of Judicial Magistrate of the first class or the Metropolitan Magistrate, as the case may be, within the local limits of which-
    - (a) the person aggrieved permanently or temporarily resides or carries on business or is employed; or
    - (b) the respondent resides or carries on business or is employed; or
    - (c) the cause of action has arisen,
- shall be the competent court to grant a protection order and other orders under this Act and to try offences under this Act.
- (2) Any order made under this Act shall be enforceable throughout India.
28. Procedure.-
- (1) Save as otherwise provided in this Act, all proceedings under sections 12, 18, 19, 20, 21, 22 and 23 and offences under section 31 shall be governed by the provisions of the Code of Criminal Procedure, 1973 (2 of 1974).
  - (2) Nothing in sub-section (1) shall prevent the court from laying down its own procedure for disposal of an application under section 12 or under sub-section (2) of section 23.
29. Appeal.-There shall lie an appeal to the Court of Session within thirty days from the date on which the order made by the Magistrate is served on the aggrieved person or the respondent, as the case may be, whichever is later.

## CHAPTER V

### MISCELLANEOUS

30. Protection Officers and members of service providers to be public servants.-The Protection Officers and members of service providers, while acting or purporting to act in pursuance of any of the provisions of this Act or any rules or orders made thereunder shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

31. Penalty for breach of protection order by respondent.-
- (1) A breach of protection order, or of an interim protection order, by the respondent shall be an offence under this Act and shall be punishable with imprisonment of either description for a term which may extend to one year, or with fine which may extend to twenty thousand rupees, or with both.
  - (2) The offence under sub-section (1) shall as far as practicable be tried by the Magistrate who had passed the order, the breach of which has been alleged to have been caused by the accused.
  - (3) While framing charges under sub-section (1), the Magistrate may also frame charges under section 498A of the Indian Penal Code (45 of 1860) or any other provision of that Code or the Dowry Prohibition Act, 1961 (28 of 1961), as the case may be, if the facts disclose the commission of an offence under those provisions.
32. Cognisance and proof.-
- (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), the offence under sub-section (1) of section 31 shall be cognisable and non-bailable.
  - (2) Upon the sole testimony of the aggrieved person, the court may conclude that an offence under sub-section (1) of section 31 has been committed by the accused.
33. Penalty for not discharging duty by Protection Officer.-If any Protection Officer fails or refuses to discharge his duties as directed by the Magistrate in the protection order without any sufficient cause, he shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to twenty thousand rupees, or with both.
34. Cognisance of offence committed by Protection Officer.-No prosecution or other legal proceeding shall lie against the Protection Officer unless a complaint is filed with the previous sanction of the State Government or an officer authorised by it in this behalf.
35. Protection of action taken in good faith.-No suit, prosecution or other legal proceeding shall lie against the Protection Officer for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act or any rule or order made thereunder.
36. Act not in derogation of any other law.-The provisions of this Act shall be in addition to, and not in derogation of the provisions of any other law, for the time being in force.
37. Power of Central Government to make rules.-
- (1) The Central Government may, by notification, make rules for carrying out the provisions of this Act.
  - (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-
    - (a) the qualifications and experience which a Protection Officer shall possess under sub-section (2) of section 8;
    - (b) the terms and conditions of service of the Protection Officers and the other officers subordinate to him, under sub-section (3) of section 8;
    - (c) the form and manner in which a domestic incident report may be made under clause (b) of sub-section (1) of section 9;
    - (d) the form and the manner in which an application for protection order may be made to the Magistrate under clause (c) of sub-section (1) of section 9;
    - (e) the form in which a complaint is to be filed under clause (d) of sub-section (1) of section 9;
    - (f) the other duties to be performed by the Protection Officer under clause (i) of sub-section (1) of section 9;
    - (g) the rules regulating registration of service providers under sub-section (1) of section 10;

- (h) the form in which an application under sub-section (1) of section 12 seeking reliefs under this Act may be made and the particulars which such application shall contain under sub-section (3) of that section;
  - (i) the means of serving notices under sub-section (1) of section 13;
  - (j) the form of declaration of service of notice to be made by the Protection Officer under sub-section (2) of section 13;
  - (k) the qualifications and experience in counselling which a member of the service provider shall possess under sub-section (1) of section 14;
  - (l) the form in which an affidavit may be filed by the aggrieved person under sub-section (2) of section 23;
  - (m) any other matter which has to be, or may be, prescribed.
- (3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## principles of intervention

It is critical that the actions of each participant in a coordinated community response be guided by core principles of intervention. These core principles are founded on the premise that the goal of intervention is stopping the violence, and that the focus on intervention is to implement policies, procedures and protocols that will protect the victim from additional harm, both by the abuser and by the responding community itself. The success of the intervention depends on whether the processes that are institutionalised centralise victim safety, improve offender accountability, and work to change the climate in the community from tolerance to intolerance of domestic violence.

1. Intervention practices must reflect a commitment of accountability to the victim, whose life is most affected by our individual and collective actions. Victims must have access to safe housing and the advocacy services necessary to navigate the court system.
2. Whenever possible, the burden of offender accountability from the initial response through placing restrictions on their behavior should rest with the institutional response and not the victim. Focus on changing the system, not the victim.
3. All intervention policy and practice development should consider and recognise the differential impact of intervention depending on the economic, cultural, ethnic, immigration, sexual orientation, ability and other statuses of victims and offenders and should be reviewed by members of the community not represented by the majority culture.
4. Most incidents of violence are part of a larger pattern and history of violence. The intensity of the intervention should be based on the need for protection from further harm and what is needed to create a deterrence to the assailant.
5. Intervention practices should balance the need for standardised institutional responses with individualised responses that recognise potential danger to the victim from confronting the offender, validate victim input and support victim autonomy.
6. The intervention response must be built on cooperative relationships with others that intervene in these cases and should have identified communication linkages and procedures to ensure consistency between the civil and criminal responses.
7. Intervention policies and procedures should be continually monitored by a group outside the judicial system that is guided by input from advocates and battered women.

Adapted from Domestic Abuse Intervention Project, Duluth.

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**V**iolence against women has been defined in Article-1 of the Declaration on Elimination of Violence Against Women as any 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. It specifically made a distinction between violence made in the private sphere which would constitute domestic violence and the public sphere.

The reality that systematic denial of rights starts within the natal family is reflected from the fact that from the beginning itself a number of choices available to women are curtailed on account of being a girl or a woman be it in education, movement/travel, marriage, etc. The girl child has to adhere to the norms laid down by the society which are governed by the patriarchal systems controlling the minds of the people. This has been the thread of thinking in the international documents relating to the issue of violence against women.

The Declaration categorically recognised that violence against women is a manifestation of historically unequal power relations which have led to the domination over and the discrimination against women by men. The prevention of the full advancement of women and that violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men.

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