

# JOMUN XVI

**Forum:** Human Rights Commission

**Issue:** Measures to protect women against domestic violence in West Africa

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Domestic violence is one of the most prevalent issues facing women globally, however in West Africa, the abuse of this human right is unparalleled to elsewhere in the world. In comparison to other countries globally, 67% of all women in Western Africa have faced some, if not all, forms of domestic violence. Gender based violence is not only a form of discrimination but it is also the result of inequality between men and women, as well as a basic violation of human rights- which play a critical role in achieving the Sustainable Development Goals (with emphasis on human development, the promotion of equity and achieving gender equality.) This issue is widespread throughout the region, however, many of these cases of domestic violence occur in rural areas, where it is difficult to reach women. Although Western African countries have an obligation to protect women from violence, as well as holding perpetrators accountable for their actions, these states are often unable to do so due to limited resources as low- income countries. The region also faces various economic, political and sociocultural factors that act as a barrier to lowering the occurrence of domestic violence. Some of these factors include poor training for regional officials, lack of education on the matter for both men and women and the poor reintegration of victims into society. In many of the societies in this region, there is a very strong social and negative stigma associated with women who accuse someone of domestic violence, a major sociocultural issue that disallows progression towards solving the issue. Eliminating gender based violence as a form of discrimination in the region, is paramount to the success of the region as well as fulfilling the Sustainable Development Goals.

## **Marital Rape**

Rape or any other unwanted sexual acts committed by the spouse of the victim. These acts are done without consent usually using force, threat of force or intimidation. (“Marital Rape Law and Legal Definition,” US Legal, Inc.)

## **Domestic Violence**

A pattern of abusive and threatening behaviours that may include physical, emotional, economic and sexual violence as well as intimidation, isolation and coercion. Typically, the purpose of domestic violence is to establish and to exercise power and control over another. Often, men use it against their intimate partners e.g. current or former spouses, girlfriends or dating partners. (“Commonly used terms in cases involving domestic violence,” DC coalition against domestic violence.)

If these countries are to grow and development, women need to feel safe and their rights to be protected. Violence against women persists in the region due to a variety of factors which include judicial structures, stigma, poverty, conflict and education. Challenges in their legal systems are due to the complex relationship between law, culture, gender relations and West African customs. Often, especially in rural areas, attempts to eradicate or regulate domestic violence through legal reforms has caused public contest and outcry that these changes are based on a Western concept (one that has little relevance to their context). There is a certain truth to this, however, many people do not acknowledge that much of the work done in the region to combat domestic violence has local roots. For this reason, among many, Liberian and Ivorian governments have failed to introduce a law banning domestic violence and prosecuting perpetrators. Another legal factor many of these countries are faced with is that many of their regional officials are not trained properly on the law. Establishing well-regulated and efficient police forces for many countries in this region has proven to be difficult post-war. The officers that have received sufficient training tend to be concentrated within the urbanized regions in the countries and are unable to reach rural areas because of lack of infrastructure and resources. For example, Burkina Faso has banned domestic abuse but it is very common to find that police are not trained on the law and therefore not implementing it properly, hence the 46% prevalence rate of domestic violence among the rural community. High legal fees in these countries make police services unaffordable and thus inaccessible to many women in the region. Furthermore, police in these regions are not responsive in many domestic violence cases, and they are not equipped with the skills needed to engage with victims. Especially in West Africa where the perception that gender based violence does not fall under the category of “real” crime exists. Inadequate knowledge on the law, the attitude of officials and high legal fees from the point of documenting a charge, to the investigation, to the decision on whether the case is taken to court often discourages women from reporting the crime. The prevalence of the under-reported cases of women abuse in West Africa is a result of a lack of faith in the system and fear of victimization and victim blaming rather than addressing the crime legally and appropriately.

The stigma surrounding the issue often prevents the empowerment of women, and prevents many women from acquiring the skills and the motivation they need to stand against domestic violence. The social, economic and cultural context in which a woman resides in strongly affects the magnitude of the stigma that she faces. In the West African traditionalist societies, there is a strong belief that domestic violence is a private matter and should be addressed without criminal justice system, and outside of the public. For this reason, (as well as the fear of shame and dishonoring the society), many women refuse to tell and report their stories. Generally, women who do speak out on the matter face intimidation or are shunned from their society and their families. Because of this, the prevalence of the issue is often underestimated by communities. In some west African countries, the stigma around domestic violence is based off the fact that concepts such as “wife-beating” are commonly tolerated and accepted as a part of the culture. Therefore, discussing these concepts with aversion is often condemned. These cultures are often resistant to change, even with pressure from activists and government. Stigmatizing the issue of domestic violence plays a role in legitimizing violence against women.

Although there is minimal evidence to suggest that poverty plays a role in the occurrence of domestic violence, higher income reduces the tolerance of domestic violence, however this is linked to the fact that a higher income often represents higher levels of education and therefore economic empowerment. Highly-educated women are less likely to be tolerant of abuse and are better able to deal with violence and negotiate within relationships. Women with secondary education are even less likely. The low-level quality education, and in some areas, lack of education, in many of the west African countries makes it difficult to empower women and allow them a level of agency to say no to violence. There is generally a lack of education focusing on the issue of domestic violence specifically and many of the countries take no initiative to educate west African men on the issue as well. Many communities are uneducated on the rights women, and therefore have no respect for those rights. Educating communities on the impacts of violence against women, how to stop the issue, etc. is highly important as it allows women empowerment.

One of the major challenges in addressing domestic violence in this region is the shortfall in funding. Obtaining resources from governments in West Africa, who largely fail to prioritize domestic violence in their country proves to be very difficult. Even through the creation of multiple initiatives, strategies and plans- many of these tend to be unsuccessful and restricted as they are inadequately funded

and lacking in resources. Although the international community has made efforts to provide funding in this area, it is necessary for UN agencies and NGO's to increase funding to help West African governments implement these policies effectively.

## **UNFPA**

The United Nations Fund for Population Activities is considered of the “UN’s leading agencies that works towards further gender equality and women’s empowerment and to address the physical and emotional consequences of gender-based violence.” (www.unfpa.org) The organization addresses domestic violence through its programs on sexual and reproductive health- since health services and centers are often the first places survivors seek assistance, UNFPA has numerous opportunities to reach victims and provide them with information and assistance. Responding to violence in development and humanitarian settings, (which many of the West African countries are) is also a priority for UNFPA. The organization, along with UN Women also initiated the “Joint Global Program on Essential Services for Women and Girls Subject to Violence” which works on improving access to quality services for victims with a focus on health, justice, social services and governance.

## **IRC**

The International Rescue Committee “responds to the world’s worst humanitarian crises and helps people to survive and rebuild their lives,”(www.rescue.org) and one of the humanitarian crisis that the organization focuses on is domestic violence in developing countries, which they believe is a crisis that is hugely neglected. The organization makes reports documenting domestic abuse that women experience in the Ivory Coast, Liberia and Sierra Leone. An IRC commission recently travelled to Liberia and Sierra Leone to gather further knowledge on the impact of domestic violence. The organization plays a key role in providing the humanitarian community, governmental organizations and UN agencies with key information surrounding the issue in West Africa, as well as assistance in addressing the problem.

## **WHO**

The World Health Organization plays a key role in combatting the issue of domestic violence within the region of West Africa. The organization has developed the “Global plan of action on strengthening the role of the health system in addressing violence, in particular against women and girls, and against children,” (www.who.int) a plan that outlines ways in which a country’s health system can provide care and support for women who have experienced violence. The organization also recognizes that situation of conflict, post conflict and displacement can exacerbate the occurrence of domestic violence against women and has therefore has joined forces with multiple health based facilities within the region, as well as local domestic violence. The organization usually contributes through the provision training and resources to these facilities/programs, as well as data collection on the issue.

## **Ghana**

Around one in three women in Ghana are likely to experience domestic violence. The high prevalence of domestic violence in the country is due to societal and cultural beliefs that it is acceptable for men to enact their power over women in an intimate relationship. The government of Ghana has taken measures to counter the incidence of Domestic violence in the country by enacting the Domestic Violence Act in 2007, an act which attempts to address domestic violence within the country, the act is progressive in the fact that it recognizes that perpetrators and survivors of domestic violence do not have to be married or related by blood ties. The Ministry of Women and Children’s Affairs also created the National Policy and Plan of Action in order to ensure that the Domestic Violence Act is implemented effectively. (Domestic Violence in Ghana: Incidence, Attitudes, Determinants and Consequences.” *ReliefWeb*). The government has also prioritized advocacy around the topic within the country, as well as advancing legal structures that are aimed at addressing domestic violence in Ghana.

## **Sierra Leone**

Historically, gender inequalities have been extremely prevalent in Sierra Leone’s society with women being heavily underrepresented in the society of the country, as well as the frequent violation of women’s rights. During Sierra Leone’s civil war from 1991-2002, the occurrence of gender based violence escalated greatly. Since peace has been restored in the country, the government continues to build its post war democracy by attempting to create adequate laws guaranteeing the rights of women. However, the lack of administration of justice by the police, the relatively poor protection of the vulnerable, the lack of effective systems in place and widespread corruption makes the implementation of these laws extremely ineffective. The country does

recognize the need to lower the incidence of domestic violence as the ministry of social welfare, children, gender and religious affairs of the country “continues to work closely with the criminal justice system to bring an end to domestic violence in Sierra Leone.” (“Violence against Women in Sierra Leone”, Lisa Denney and Aisha Fofana Ibrahim). The government continues to focus on creating a structure in which new policies and procedures regarding domestic violence can be put into practice and implemented effectively.

## **Nigeria**

Data suggests that domestic violence is widespread in Nigeria and shows no signs of lessening, even with the creation of the Violence Against Persons Prohibition Act of 2015, a federal law to address all cases of violence. Domestic violence cases are seldom reported, and the ones that are rarely investigated because domestic violence is still largely regarded as norm in the country. The country recognizes the urgent need to lower the incidence of domestic violence and eliminate it as a norm- for example the Lagos State Government has been branding domestic abuse as a fault within its society, as well as encouraging victims to speak up and witnesses to support victim statements, thus government efforts. Nigeria has also made efforts to create safe houses for victims/survivors of domestic violence and developed multiple programs for the rehabilitation of perpetrators of violence against women, however, it is important to note that many of these initiatives are poorly managed and there is a lack of community involvement in them.

## **Ivory Coast**

After over a decade of war in the country, many women continue to be subjected to domestic violence. In rural communities especially, women are confined to traditional roles with a severe social stigma surrounding the issue. Ivorian law does not address domestic violence; therefore, the international community has attempted to aid with issue with many NGO’s educating communities about domestic violence and providing services to survivors/victims.

## **Liberia**

After the 14-year civil war which ended in 2003, the prevalence of domestic violence in Liberia has remained high. There have been various attempts within the past few years to pass domestic violence legislation in the country, however it has failed due to disagreements on whether the law should include a ban on female genital mutilation. Currently there is a temporary ban on domestic violence, which former president Ellen Johnson Sirleaf issued before power was handed over to current president George Weah, however, the order will lapse after one year unless it is ratified by the legislature.

**1945-** ECOSOC establishes its Commission on the Status of Women, “as the principal global policy-making body dedicated exclusively to gender equality and advancement of women.” (“*Tackling Violence Against Women Timeline*”, lsedesignunit.com)

**1969-** creation of United Nations Fund for Population Activities

**1977-** International Women’s Year Conference

**1979-** the creation of CEDAW (The Convention on the Elimination of All Forms of Discrimination against Women) by GA which states a duty to protect the health of women

**1982-** The committee on the Elimination of all forms of Discrimination against women, established by CEDAW, holds its first session

**1993-** Declaration on the elimination of violence against women. The UN recognizes domestic violence as an international human rights issue and issues this declaration.

**1995-** The 1995 fourth world conference on Women in Beijing, where the Beijing Declaration and the platform for Action was adopted by numerous countries and aims for the advancement of women and the

achievement of gender equality in 12 areas of concern including violence against women and the human rights of women. (“*Tackling Violence Against Women Timeline*”, lse.designunit.com)

**1999-** 25<sup>th</sup> November is declared the International Day for the Elimination of Violence against Women

**2000-** African Women’s Development Fund. The first African-wide fundraising/grant fund is made to help programs and organizations that aim towards helping with African Women’s Rights

**2005-** creation of the African Charter on Human and People’s rights on the Rights of Women in Africa

**2008-** “UniTE to End Violence against Women” campaign is launched by UN Secretary- General (“Module 3: Violence and Domestic Violence in Developing Countries,” Unit for Site).

**2010-** UN General Assembly creates UN Women, merging the UN Development Fund for Women (UNIFEM), the Division for the Advancement of Women (DAW), the Office of the Special Adviser on Gender Issues, and the UN International Research and Training Institute for the Advancement of Women (UNINSTRAW)

**Resolution 40/36:** The first resolution on domestic violence

**The UN Convention on the Elimination of all Forms of Discrimination against Woman:** An international bill of rights for women

**A/HRC/4/28 of 17/01/2007 Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health**

**International Bill of Human Rights**

**Resolution 1 (XXV):** An internationally binding instrument to eliminate discrimination against women

**The Declaration on the Elimination of Violence against Women (Resolution 48/104)**

<http://blogs.lse.ac.uk/vaw/int/charter-bodies/general-assembly/>

**The Universal Declaration of Human Rights**

<http://unesdoc.unesco.org/images/0014/001466/146628m.pdf>

**The international Convent on Economic, Social and Cultural Rights**

[http://www.unhchr.ch/html/menu3/b/a\\_ccpr.htm](http://www.unhchr.ch/html/menu3/b/a_ccpr.htm)

**Model Strategies and Practical Measures on Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice’ (Resolution 52/86)**

**UN SCR 1325 on Women, Peace and Security**

**1992- The adoption of general recommendation 19 by the Committee on Elimination of all forms of Discrimination against women**

The committee requires national reports include statistical data on the incidence of violence against women, information on the provision of services for victims and legislative and other measures taken to protect women against violence in their everyday lives. This allows for the committee to determine priorities and strategies for the reduction of discrimination against women.

#### **Fourth World Conference on Women**

The conference resulted in the Beijing Declaration and the platform for Action, adopted by numerous countries, which committed to advancing the rights of women and worked towards achieving of gender equality in 12 areas of concern including violence against women and the human rights of women. Review on the conference was undertaken in 2000 to evaluate what progress has been made towards realizing these commitments.

#### **Protocol to the African Charter on Human and Peoples Rights on the Rights of Women in Africa**

Adopted by African governments where they commit themselves to ending discrimination and violence against women (“PROTOCOL TO THE AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS ON THE RIGHTS OF WOMEN IN AFRICA.”)

#### **CEDAW**

All countries in Western Africa ratify this convention. By ratifying the convention, the governments in the region have obligations to submit a report on legislative, judicial, administrative measures the countries have taken to enact the convention. The governments are also required to report on their progress, and highlight factors and difficulties in implementation

#### **Education Programs**

The creation of a program in which both men and women are taught about the rights of women under modern law, as well as how to respect these rights. This program should be integrated into the curriculum of schools in the nation to teach the young and should include practical information regarding the rights of women and women empowerment. This program should also be implemented in communities within nations, specifically rural communities. This solution would require the efforts and participation from member states and governments. In some countries, especially in the case of West Africa, relying on the government and local entities to achieve a solution like the proposed one might be ineffective and unreliable due to lack of resources. In this case the participation of UN agencies such as UNFPA and WHO are vital to ensure the success and implementation of these programs, with regards to resource provision as well as oversight.

#### **Training Police Officers to Deal with Domestic Violence**

Training police officers on working with domestic violence victims and incorporating this training into the higher education system or developing a program. The curriculum/program will provide police officers with appropriate communication skills in order to assist victims as they are the first point of contact in report cases, as well as cultural awareness training to assist them while they are investigating incidence. It will also allow workers to identify women who need social assistance as well as appropriate referrals. This training should be compulsory and the officers should receive annual refresher training courses. This solution should be implemented by the governance of the country with assistance from UN Agencies.

#### **Addressing domestic violence within reproductive health services**

Since most women will use reproductive health services at some point in their life, the health sector has a huge advantage in dealing with the matter. Nurses, doctors and health personnel should be trained on identifying symptoms linked with domestic violence and women's health problems, as well providing necessary treatment and appropriate referrals. Creating health services in which women can feel safe, can be treated with respect and where they can receive quality support and information.

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