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Directorate General for Research

WORKING PAPER

**HUMAN RIGHTS =
WOMEN'S RIGHTS ?**

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**HUMAN RIGHTS =
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**SUMMARY OF THE PUBLIC HEARING
ORGANIZED BY THE COMMITTEE ON WOMEN'S RIGHTS
26-27 JUNE 1995**

WOMEN'S RIGHTS SERIES

W - 7

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HUMAN RIGHTS= WOMEN'S RIGHTS?

1. Mrs Anita Gradin, European Commissioner with particular responsibility for immigration, justice and home affairs, opened the Hearing by pointing out that the organization of this hearing on gender-specific human rights violations against women was a timely initiative.

'It is indeed a timely initiative of the Women's Rights Committee to call for a hearing on gender-specific human rights violations. We do, in a few months time, have the UN Women's Conference in Beijing, where this crucial matter should be high on the agenda. But in our daily lives also we must pursue our common task of highlighting violence against women. We have to raise awareness in our societies. We have to find the tools and strategies to remedy these disgusting and brutal practices.

I have myself attended all the UN Women's Conferences so far. At the very first conference, in Mexico in 1975, the focus was on women's situation throughout the world. The result of that conference was the declaration of the Women's Decade and the fact that women's issues really were placed on the international political agenda. At that conference, the then Prime Minister Olof Palme said, among others (and I quote) : "The fact that women have attained equality neither in the rich nor in the poor countries may be used to sustain the view that problems of women are separate from the problems of the development of society at large, and that the work of the World Conference on the International Women's Year has to be limited accordingly. In my opinion we have to draw exactly the opposite conclusion."

I would like to recall one other issue on the agenda of the conference, namely refugee women. I will quote some lines;

"Aware that the substantial majority of refugees in most areas are women and children,

Bearing in mind that displaced and refugee women suffer more radical changes in roles and status than refugee men,

Shocked by reports of physical abuse of refugee women and girls,"

These lines are just as relevant today as they were twenty years ago.

In this connection I would like to raise a topic that has been on the international agenda for quite some time. I am referring to the discussions on extending the interpretation of the Geneva Convention to comprise also treatment on the basis of sex, as a cause for asylum. I am happy to say that this is now included in the handbook on practices. During my years as Minister for Migration in Sweden, I introduced a change in the rules to allow women who had been raped during war to find a safe haven in Sweden.

The UN Conferences in Copenhagen and Nairobi extended the policy areas, collecting knowledge and issuing recommendations on all areas of society - work, health, education, politics, development and peace. The World Conference on Human Rights in Vienna 1993 finally accepted women's rights as human rights.

The world has seen enormous political, economic and social changes since the world conferences in Mexico City and Nairobi. The Nairobi Forward-looking Strategies have been a forceful tool for women throughout the world, but they are far from fulfilled.

HUMAN RIGHTS= WOMEN'S RIGHTS?

Now we are heading for the UN Conference in Beijing. In its communication to the Council, the Commission emphasizes that : "Gender-based violence exists in all societies and cultures throughout the world and is strongly interlinked with poverty. Legislation must be strengthened concerning violence, sexual harassment and the sexual exploitation of women."

Violence against women is the ultimate expression of the lack of equality between women and men. Active efforts to promote equality, including equal rights and respect for each individual, are of decisive importance in combating this evil. This involves a change in the traditional roles of both women and men.

We need both the long-term strategies - and of course also the short-term actions. Attitudes have to be changed. Laws and practices have to be changed. But we also have to offer assistance to women who have been abused - here NGOs in different countries do play an important role in setting up safe havens for women. We have to build up international cooperation to be able to break up the criminal gangs who make money out of trafficking in women and children. There is really a slave trade going on.

As Commissioner, one of my responsibilities is the Third Pillar. As you know, the Member States have to be active there. In November 1993, the Justice and Home Affairs Ministers issued three recommendations concerning the fight against the trade in human beings.

They called for special training for police officers. They are crucial in combating procuring and dismantling prostitution exploitation networks. They further recommended that national authorities set up national co-ordination structures to gather information. And finally, they called for cooperation between these structures and liaison officers in the countries from which the victims of prostitution networks originate.

We have within the European Union a forceful tool, EDU, the Europol Drugs Unit. As the name indicates, it has an important role to play when it comes to combating drugs trafficking. But not only that: since March this year, EDU has a widened mandate. Trafficking in human beings is now also within the remit of the EDU. One of its targets should be the clandestine immigration networks, and the crimes involved here - not least against women. I would say that it is a slave trade.

I have dwelled upon some of the topics of your hearing. Let me finish by quoting the Commission's communication to the Beijing Conference when it comes to Human Rights :

"The human rights of women and the girl-child are an inalienable, integral and indivisible part of universal human rights. They are fundamental rights that include the right to participate fully as equal partners in all aspects of life. The recognition of, and respect for, these rights is the keystone of equality between women and men and, by the same token, to the advancement of women's role in society.

One of the most serious violations of human rights is violence against women. It includes domestic violence, sexual harassment at work, sexual abuse and the traffic of women. Women are also at extreme risk in situations of armed conflict, whether as the victims of torture, systematic rape and other forms of violence, or as refugees or displaced persons."

I shall listen with great interest to this day's interventions and debates.'

2. Mrs Nel van Dijk (V, NL), Chairwoman of the Committee on Women's Rights, thanked Mrs Gradin for expressing her views on these issues with such clarity and precision.

Mrs van Dijk said she had always supported the idea that Europol should do all in its power to combat prostitution networks rather than concentrating on looking for stolen cars in Europe. This was much more important, although it had to be admitted that it was never very pleasant to have one's car stolen!

She thanked Mrs Gradin for all that had been done at Community level in this area and more generally for the interest shown in the fundamental rights of women.

Mrs van Dijk then outlined the action taken by the Committee on Women's Rights in preparation for the Fourth World Conference on Women : 'The fight for equality, development and peace' (Beijing, September 1995). Of particular note was the report on EU participation by Mrs Gröner, which was debated and adopted at the June 1995 part-session, and a resolution on the organization of this Conference by the Chinese Government. The hearing on gender-specific human rights violations against women was to be viewed in the same context.

I. WOMEN'S RIGHTS AS AN INTEGRAL PART OF INDIVIDUAL RIGHTS

3. Mrs Marike Radstaacke, representative of Amnesty International, Netherlands Section:

'With two months to go before the Beijing Conference, many people are wondering whether they should be packing their suitcases and joining in this circus without knowing whether they will be able to have any influence on it. Discussions on the conditions under which the Forum will be held have been overshadowing thoughts about its content. Today, however, we are fortunately able to consider this aspect, and on behalf of Amnesty International I should like to thank you for this opportunity.

What is at stake in Beijing or, more positively, what is to be gained? From the human rights point of view, a great deal. Beijing will draw together a number of achievements from previous years: this is the first time human rights has specifically featured on the agenda at a World Conference on Women. If it turns out well, it will mean that women will better be able to assert their human rights. If not, it will be a major setback and the human rights of women in general will be endangered. More of this later.

Worldwide

Their vulnerability to violations of their basic human rights and their fight to protect these rights is what binds women together all over the world. Governments are not only failing to protect the social, economic and cultural rights of women but above all are failing to prevent violations of women's civil and political rights through torture, arbitrary detention and political assassination.

In many countries women in custody are at risk of rape or other forms of sexual torture or mistreatment. If it appears that members of the security forces can rape women with impunity, this sends a signal to society that such crimes are not

taken seriously by the authorities. Throughout practically all the world women suffer discrimination because of their status under the law. If the national law regards women as second class citizens, society will hardly be encouraged to respect women's human rights.

The deliberate violation of women's human rights still often plays a substantial part in military strategy in armed conflicts all over the world, for both the authorities and armed opposition groups. If governments allow their security forces to kill or intimidate with impunity, a vicious circle of violence is created. These are precisely the circumstances which put at risk those who stand up for their human rights.

Reluctant governments

Agreements are not complied with. There are even governments which reject the basic premise that human rights are universal standards to be maintained everywhere and at all times. The principle of universality is undermined by governments which consider human rights secondary to national considerations such as security, the economy and local traditions. Many governments restrict the human rights of women in particular.

Human rights are not only universal, they are indivisible. If civil and political rights are threatened, it often becomes impossible to uphold social, economic and cultural rights. Women have organized themselves in many ways. Courage and creativity often come up against a wall of indifference on the part of governments and sometimes even against cruel oppression.

Those who perpetrate these abuses often represent those same governments which agreed with each other in Geneva, New York or Vienna to prohibit such crimes. Nations must be held to their commitments. Many women are very active in this area, sometimes at the risk of their lives.

A powerful example

Dr Manorani Saravanamuttu is one of the many mothers, partners, sisters and friends of the tens of thousands of men who have 'disappeared' in Sri Lanka at the hands of government troops. She is a doctor. In 1990 her son, a journalist, was abducted and killed in Colombo. Three months after his death she was warned in a letter: 'Mourn the death of your son. Any other steps will result in your death.' Dr Saravanamuttu refused to be silent. She campaigned to expose the truth about her son's killing and to bring those responsible to justice. She ignored repeated threats and took on a leading role in the Mothers' Front, a mass movement of 25 000 mothers of "disappeared" Sri Lankans.

Most of them suffered victimization as their activities were seen by the authorities as a threat. Governments which encourage their troops to kidnap or kill political opponents or secretly imprison them hope that their crimes against these victims will soon be forgotten. They do not take account of the determination and courage of members of the victims' families, often mothers, daughters or wives. Dr Saravanamuttu said: "They expect you to curl up in a corner and die of fear. But the women are saying ' We were going mad with grief at home alone. Now at least we are doing something.'"

Human rights are women's rights

For a long time violence against women has been seen not as a human rights issue but as a women's issue: by governments, by international organizations and NGOs, and also by United Nations human rights bodies. It is primarily the work of women in international and national NGOs which has placed the problem of violence against women on the international agenda.

The most significant international instrument guaranteeing women's equality is the United Nations Treaty on the elimination of all forms of discrimination against women, adopted in 1979. The Treaty was drawn up by the Commission on the Status of Women, not by the Commission on Human Rights. It did not contain any specific recommendations with regard to violence against women.

The final declaration of the World Human Rights Conference in June 1993 in Vienna affirmed that human rights were universal and indivisible, and that the human rights of women were an inalienable and integral part of universal human rights. It was also emphasized that nations had a human rights duty to prevent violence against women. There was also a call for all UN human rights activities to take account of the human rights of women and a recommendation that a special rapporteur on violence against women be appointed, which was done in 1994.

In December 1994 the UN General Assembly adopted the Declaration on violence against women. This placed the issue of violence against women firmly on the international agenda.

Another significant event in 1993 was the establishment of the War Crimes Tribunal for former Yugoslavia. The Tribunal was able to deal with cases of rape and sexual violence. It was also accepted that systematic rape could be a crime against humanity.

All these developments taken together were clear signals to the international community that any form of violence against women is unacceptable. At the most recent preparatory meeting for Beijing, held in March and April in New York, it seemed that many governments were reluctant to state or reaffirm these achievements in the Action Platform, the text to be adopted in Beijing. There were many differences of opinion as to whether and how references to earlier undertakings were to be included. The chapter on human rights was one of the most controversial points. Clearly many countries have no desire to change their laws in order to protect the human rights of women.

CSW

- A difficult political process, conducted in secret;
- the role of the Group of 77 independent countries;
- equality or equal; gender or sex;
- considerable difficulty with the chapters on human rights and health;
- incomplete references to human rights treaties and former conferences;
- insufficient emphasis on the responsibility of governments themselves;
- limited contribution from and openness towards NGOs.

Much more action needed

More than paper is needed to put rights into practice. There is also a need for education, training, awareness and financial resources to provide effective human rights protection. At the same time a good legal basis and recognition of the problem are the most important basic factors. There is much to be achieved before, during and after Beijing.

But the basic premise is that the fundamental human rights of women must be respected. If they are not, it seems that the objectives of Beijing (the right to equality, development and peace) are unattainable.

MEPs, please note:

universality

references to human rights treaties

such treaties to be made explicitly applicable to women

responsibility of governments

on the spot: openness towards NGOs, both at the Forum and in the official Conference.'

4. Mrs Olöf Olafsdottir, representative of the Secretariat of the Steering Committee for Equality, Human Rights Directorate, Council of Europe:

'It is a great honour and pleasure for me to be here today and I should like to thank the European Parliament and its Committee on Women's Rights for extending an invitation to the Council of Europe to participate in this important Hearing. I hope that this will be the starting point for fruitful cooperation at European level, in order to achieve the main goal of working efficiently in a concerted effort to combat violence against women.

Violence against women - physical, sexual and psychological violence, carried out by men against young or adult women, in the family, at the workplace or in society, takes various forms - battering, genital and sexual mutilation, incest, sexual harassment, sexual abuse, traffic in women and rape. It is unfortunately a universal phenomenon, present in all social strata and in all societies, independent of their level of development, political stability, culture or religion. Violence against women has a long tradition, based on women's subordinate position to men. We can all agree that it constitutes a serious obstacle to women's self-determination and to their obtaining genuine equality with men. It can be seen as a means of controlling women, originating from the unequal power relationship that still prevails between women and men.

Apparently, violence against women is on the increase on the European continent. This increase may perhaps be ascribed to a higher level of emancipation of women, who consequently are not as reluctant as before to speak about it or even report violent acts they have been subjected to. The curtain of silence that often hides violence against women is still there, but little by little it is being drawn up. On the other hand, this increase could also be seen as linked to the profound social transformations European societies, both in the West and in the East, are

going through. The difficult economic and social conditions that prevail in many countries of our continent might amplify the phenomenon. Both the significant increase in traffic in women that can be observed during recent years from the East to the West on our continent, as well as the fact that in some countries the fundamental right of women to free choice in matters of reproduction - to be able to choose whether or when to bear children - is being called into question, seem to indicate that the dignity and integrity of women is seriously at stake. Maybe this evolution is a part of the general "backlash" that equality between women and men is facing at the present moment. There is a worrying tendency to say that equality is not a priority, and that other problems, such as economic ones, should be solved first. But equality is a part of democracy and it is precisely in such a moment that we have to affirm it strongly. It is the duty of the European organizations to affirm that the promotion of equality should be a political priority, a precondition for the democratic defence of the dignity and integrity of all human beings - women and men.

I should like briefly to present the Council of Europe's work for combating violence against women. It should be underlined from the outset that this work aims primarily at the promotion and protection of fundamental human rights and freedoms. The promotion of equality between women and men is an integral part of this task. In fact, the original feature of the Council of Europe's work lies in the fact that the promotion of equality between women and men is synonymous with the promotion of human rights. The Declaration on equality of women and men by the Committee of Ministers of the Council of Europe (16 November 1988) establishes equality between women and men as a principle of human rights, a sine qua non for democracy and an imperative of social justice. In this light, violence, and in particular domestic violence, is a question of dignity and integrity, in short : it is an issue of human rights. The activities aimed at combating violence against women are therefore situated in the context of human rights.

The Council of Europe's work in the field of violence against women

1) Policy-making

The Committee of Ministers of the Council of Europe addressed the issue of violence in the family already in 1985 in a Recommendation containing detailed guidelines on how member states should tackle this issue. This Recommendation shows the dual approach to violence chosen by the Council of Europe, namely prevention and repression, or in other words : social and legal measures. In 1990, another Recommendation, also on violence in the family, was adopted. It is geared to social measures to be taken in this context and contains a detailed plan of action which identifies the specific field requiring attention. The Parliamentary Assembly of the Council of Europe has also devoted attention to the problem of violence, in particular in a Resolution of 1985 on equality between women and men, calling for measures ensuring respect for the dignity of women in advertising and, what is more, for legislation allowing for prosecution of all kinds of assaults and sexual abuses of women, including domestic violence.

But the main step was made in 1993. In October 1993, the Third Ministerial Conference on Equality between women and men was held in Rome, on the theme : "Strategies for the elimination of violence against women in society : the media and other means". One of the major outcomes of this Conference was the adoption, by the ministers, of a "Declaration on policies for combating violence against women in a democratic Europe". This Declaration contains the proposal to elaborate

and implement a concerted Plan of Action to combat violence against women, including the elaboration of appropriate legal instruments. To that end, the Ministers defined elements for intervention strategies to be included in the Plan of Action.

This Declaration provides for a set of comprehensive measures in which research and evaluation, legal aspects, prevention and education are seen to be the instruments of change. At the same time, strong emphasis has been laid on the implementation of all existing international human rights instruments as a means of sanctioning and condemning all forms of violence against women. The European Convention on Human Rights and the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) must be used to that end. It is particularly important that these instruments be fully recognized and applied without any restrictions limiting their power and strength.

I do not have the time here to present this Declaration in any detail. However, I should like to underline one novelty that it contains, namely the affirmation of State responsibility for certain acts of violence against women, which hitherto did not imply any public responsibility. It says : "[...] the responsibility of States is engaged with regard to acts of violence carried out by public officials and [...] may also be engaged with regard to private acts of violence if the State does not take action with sufficient diligence to prevent the violation of rights or investigate acts of violence, to sanction them and provide support for the victims". Thus, in Rome, the ministers opened the possibility at European level to take further legal steps by broadening the scope of State responsibility and extending it, under certain circumstances, to non-State action. The terms and conditions of this extended State responsibility are probably one of the main ways to be explored in the future as a response to violence against women.

The texts adopted in Rome need a concrete and, if possible, rapid follow-up in order to achieve results. The Steering Committee for Equality between Women and Men (CDEG), which is the responsible body for activities in the field of equality within the Council of Europe, therefore decided to establish a Group of Specialists for combating violence against women. This Group, (EG-S-VL) started its work in 1994. It consists of experts with different backgrounds (lawyers, sociologists, psychologists, medical doctors and educationists) in order to address all the different aspects the issue of violence raises. Its work focuses on two main points:

- 1) identifying, in the light of the texts adopted by the Third European Ministerial Conference on Equality between Women and Men (Rome, 21-22 October 1993), the different forms and aspects of violence against women and the questions related to it which could be studied in the relevant fields of activity of the Council of Europe;
- 2) elaborating, on this basis and having regard in particular to the Declaration on policies for combating violence against women in a democratic Europe, adopted by the Third European Ministerial Conference on Equality between Women and Men (Rome 21-22 October 1993), a Plan of Action to combat violence against women, which identifies the measures to be taken and the national, international, governmental and non-governmental institutions entrusted with or involved in its implementation.

The Group is expected to have finished its work by the end of 1997, with the elaboration of the Plan of Action I have referred to. Its work will help to

identify the major problems and how they should be tackled. One of them is most certainly the lack of effectiveness of the judicial systems and that usually women's NGOs do not have the right to take part in trials.

In the global framework of promoting human rights, equality between the sexes and, in particular, combating violence against women, the question of education and awareness-raising will no doubt continue to be a priority. Not only education of and for women, but especially education of boys and men. In Rome, during the Ministerial Conference, reports from the member states showed that education can be instrumental in diminishing considerably violence against women, through national Plans of Action, e.g. effective awareness-raising campaigns. The most striking examples were national campaigns, e.g. media campaigns, aimed at boys and young men.

I should also like to mention briefly the Council of Europe's work on forced prostitution and traffic in women which is a particularly odious form of violence against women. As a result of the work of another group of specialists, a Pan-European Plan of Action to combat traffic in women and forced prostitution will be ready by the end of this year, and should be taken into account in the various sectors of work in the Council of Europe. It is interesting to note that one proposal of this group of specialists is the idea of carrying out a cross-cultural multidisciplinary study to explore the structural background on the "demand" side of prostitution, the "client" side, i.e. the structure and mechanisms of male sexuality, in particular in the light of changing gender roles and attitudes in our societies. It would most certainly be important to analyse the underlying structures and mechanisms of these violations of women's human rights, so as to tackle the phenomenon at its very root.

The vulnerable position of migrant women is also being examined in the Council of Europe in the light of the principle of equality between women and men. Much work and many efforts have been devoted, both at national and at international level, to the problems faced by migrants, but not to the specific problems of migrant women. All too often, culture, religion, custom and traditions are invoked as barriers to women's full enjoyment of their human rights. This is particularly true for many migrant women, not least the second and the third generation. Aware of the fact that recent immigration in Europe is predominantly female, the Council of Europe has initiated work to examine the specific problems faced by these women and to respond to them by means of well-defined and targeted strategies. A seminar on the subject "Women and migration : establishing the fundamental right to equality in a setting of cultural diversity" will be held in Strasbourg at the beginning of July.

2) Legal instruments

The policy measures and the activities that I have described are mainly of a preventive nature. But I should not forget to mention the Council of Europe legal instruments, which can be seen as a complement to these policy measures and which have a repressive effect.

The most relevant instrument of the Council of Europe is the European Convention on Human Rights (the ECHR). Its strength lies in the fact that it provides for examination of alleged violations of human rights on an individual basis. Each member state which has ratified the Convention is obliged to secure to everyone within its jurisdiction the rights and freedoms laid down in the Convention. Acceptance by a member state of the individual right of petition to the European

Commission of Human Rights (and the jurisdiction of the European Court of Human Rights) makes it accountable and responsible for acts or omissions towards an individual which, in the Convention's organs' view, amount to a violation of one or more of the rights or freedoms set out in the Convention. But this is only possible, as you will know, if a specific, individual complaint has been made to the Commission, setting out in detail which rights and/or freedoms have allegedly been violated.

In the light of the question of violence against women, there is one provision in particular which could bring relief in individual cases, namely Article 3 which prohibits torture or inhuman or degrading treatment or punishment. It is one of the few provisions which does not allow for any exception, regardless of the circumstances. More generally and beyond the scope of protection afforded by any given provision, according to the case-law, member states have a double obligation under the Convention: not only should they refrain from interfering with the rights and freedoms guaranteed by the Convention, but they also have the positive obligation to secure the full enjoyment of these rights. This means that, in a given situation, a member state may be compelled to take actively all necessary steps to prevent any violation of human rights. In terms of combating violence against women, this particular obligation may prove very useful. This is not a new feature of international law, but the ECHR system may claim the novelty of having affirmed, and reiterated, this principle in such unequivocal, compelling terms.

However, in terms of protection of women's rights in general, the Convention has not been sufficiently used. Statistics show that applicants are preponderantly male, but you will agree with me that this fact does not in itself justify the conclusion that men are more frequently victims of violations of their fundamental human rights. One explanation may lie in the fact that, in practice, it does take a certain degree of emancipation to introduce an application to the Strasbourg organs, the Commission and Court of Human Rights. Therefore, this strong protection mechanism has not (yet) been fully exploited by women. To improve the use of the Convention by women and, more generally, to increase and improve women's emancipation, the key words in terms of policy remain education and awareness-raising.

The Council of Europe is at present considering the possibility of adding an additional Protocol to the European Convention on Human Rights, enshrining the right of women and men to equality. If adopted, experience will have to show how useful that provision will be.

In the future, it is certain that the Council of Europe will continue and develop its work on combating violence against women. It is unacceptable that women continue to be exposed to practices which may be qualified as torture or as inhuman or degrading treatment by virtue of their sex. Strong measures, at national, European and international level are needed to combat this phenomenon and women who are victims of violence must receive the necessary help and support. Violence against women is a black spot on our democratic societies, often hidden by a veil of silence. The European institutions must work together to help to lift this veil of silence and try to bring the sufferings of far too many women to an end.'

x x
x

Mrs van Dijk (V, NL) opened the discussion.

Mrs Starrin (ELDR, SW) stressed the importance of continuing to uphold the view that oppression of women was unacceptable and was undoubtedly a violation of the rights of the individual.

Addressing her remarks more particularly to the Council of Europe representative, she asked

- what exactly was meant by the elaboration of action plans by the member states,
- whether these were binding
- and whether the Council of Europe was able to monitor whether the Member States complied with the actual content of these programmes.

Mrs Olafsdottir admitted that it was very difficult to ensure that these action plans were implemented. Council of Europe recommendations were not binding. They could only be addressed to governments and at most exerted a certain amount of pressure on governments to implement them. Similar principles governed action plans, but they were much more detailed and included specific ideas on how they could be made effective, such as seeking closer involvement of politicians and members of parliament for example, by emphasizing the importance of their role and encouraging them to put pressure on their government.

However, it was not impossible that now two action plans had been drawn up, one against traffic in women and the other on violence against women, some attempt could be made to monitor their implementation, which would imply that the issue should be discussed within the Committee of Ministers. Action by politicians to press for implementation of a monitoring system would be welcome.

Mrs Gröner (PSE, DE), in a specific reference to the resolutions adopted with regard to the Beijing Conference at the last Joint EP-ACP Assembly in the context of the Lomé Convention, wondered how progress could be made beyond the stage of good intentions and a commitment obtained from governments to take specific action in favour of women.

Mrs Radstaacke considered that it would be difficult to make very great progress in Beijing. It was important to renew the commitments made at previous conferences (Vienna, Cairo, Copenhagen etc.) and to this end, reference should be made to the various resolutions and declarations and commitment obtained to their future implementation to protect women's rights.

Pointing out that the issue of equality between men and women was currently experiencing a 'backlash', Mrs Fouque (ARE, FR) expressed her concern at certain practices which still existed in Africa and even in Europe, such as excision which, as was well known, consisted in some societies of removing the clitoris of young girls.

She called on the Committee on Women's Rights to take action, and on this subject quoted the views on excision of an ethno-psychiatrist who was a well-known academic in France and who, she said, supported certain revisionist views which had become current in French universities in recent years, and which had led to certain political successes such as that of the extreme right.

In the words of the ethno-psychiatrist: ' . . . excision presents enormous problems to clinical psychiatrists. In fact, many young African girls living in France (and in Europe), who have not undergone excision, have serious problems. Only the ritual of excision enables them to be treated and restored to health. On one side, French law, for about the last ten years only, considers excision as mutilation. On the other side, excision is only the result of a widespread theory common to the whole of Africa with regard to the way human beings are made: on that continent, it is held that the newborn comes into the world having been manufactured by a rather careless deity. The final assembly is defective and incomplete and the purpose of education and initiation rites is gradually to provide the final touches. Excision is one of the major initiation rites. Without this ritual, a woman is incomplete, she is unsure of herself and wanders around seeking other forms of initiation such as the first drug or the first burglary. Ethno-psychiatrists know very well that a girl who has undergone excision never gets into trouble. She has no need, excision is a kind of mental health protection mechanism, an extraordinary social benefit which French (and European) society should reconsider as a matter of urgency.' The author concluded that if he became Home Affairs Minister the next day, he would devolve the management of everything concerning the family, marriage, initiation rites and religion, which were now governed by the State, to the various ethnic communities and would change the French legal system to allow several different laws on the same territory. But, he pointed out, he was only an academic!

It was therefore important to take action, as two million young girls suffered excision every year in various places, Egypt, the Sudan and also in Europe and it should not be forgotten that excision could result in death.

Mrs Fouque stressed the seriousness of the situation and the amount of work to be done in this area; she considered that there was in existence a genuine tendency to oppose the law which was as much of a threat to women as was the far right tendency in politics, involving a kind of fascism or Nazism and an absolutely radical anti-democratic movement.

It was vital to know why such violence had always been done to women in all countries; this question had rarely been asked in the context of the European Institutions. In other words, now that the various forms of violence and the strategies set up to combat it were well known and widely reported, it was important to try to discover the causes, and thus develop an understanding of the origin of this violence as, Mrs Fouque stressed, there had been no questioning of the reasoning behind it, but it was essential to know the reason. This emerged clearly from the two excellent preceding presentations.

Mrs Olafsdottir thought that excision was certainly a serious form of violence to women and could certainly be considered inhuman and degrading treatment. Within the Council of Europe, a working group on migrant women had already considered the question of whether the intolerable had to be tolerated for the sake of cultural diversity and diversity of traditions and customs. It had emerged that it was extremely difficult to draw the line, as the immediate reaction was to reject the cultural rights of such people. But the work done on this issue concluded that as soon as it was a matter of inhuman and degrading treatment, it had to be banned, even if carried out in the name of a people's customs and culture, as it was a violation of personal physical integrity.

Mrs Glase (PPE, DE) said that she had been concerned with the issue of violence against women for many years, both within Parliament and in the outside world, and

not just over the past few weeks in preparation for Beijing. What was terrible was that violence against women had existed not just for a few years but for centuries. And it was said that prostitution was the oldest profession! This was no longer a laughing matter, but a tragedy. What could be done to avoid it? Education was certainly one of the best methods to prevent the emergence of violence but, as we knew, education was a long and laborious process lasting several years. What else should accompany this period of education?

Mrs Glase considered that in the various countries the powers of the police and other authorities should be changed so that violence against women would be regarded as a crime. She recalled that the debate in the German Parliament on recognizing rape within marriage had been an interminable and particularly laborious process, which might to us seem totally incomprehensible. It was also particularly difficult to counsel and treat women who were victims of violence. It was not always possible to help the victims of this kind of violence. However, it was a particularly acute problem in countries where there was still strong reliance on tradition.

Mrs Glase would have liked to know how, in the context of the European Institutions, the conclusion of certain international agreements could be linked to respect for human rights. For the past twenty years, considerable efforts had been made to include the rape of women in the Geneva Convention so that it would constitute grounds for granting asylum. It would certainly be a major step forward if women had this right and could find asylum in other countries.

Mrs Radstaacke stressed the importance of education and training, particularly for police forces! What could be done within the Union's Institutions?

- If rights were violated, representations should be made to the government concerned.
- Maximum publicity should be given to individual cases, to give them a high profile which would afford a certain amount of protection to the victim; in the long term this attitude would cause governments to hesitate before using certain forms of violence.

The Geneva Convention was based on violence occurring in situations of conflict. But in recent years there had been a change in the nature of conflict situations; the world was divided up differently and conflicts were now of a different type from what they had previously been. The immediate result was a different form of violation of women's rights: women were subjected to systematic rape and this was considered normal both by armed opposition forces and by the authorities; it was not considered a crime or an offence; rapists could therefore act with impunity.

Mrs Jouppila (PPE, FI) stressed the need to discover the reasons for the resurgence of violence against women. This violence in all its forms should be condemned. Excision could not be tolerated any longer even if the practice was closely linked to tradition, religion and culture. Speaking as a trained gynaecologist, she pointed out that there were cases of women who had undergone excision in their country of origin and then suffered serious complications during childbirth.

Mrs Crawley (PSE, EN) thought that, in view of what had already been said, if violence towards women had increased overall, it would be very useful if the Committee had numerical data to assist their work on this issue. She would like to know the source of this information: where were these figures published, how

they were broken down, how they originated, whether they were passed on by victims' associations and/or by the police, etc. Such evidence would be one of the most effective weapons in the attempt to encourage governments to take action to check the increase in violence against women.

It seemed that differences of opinion were becoming apparent in drawing up the section on human rights in the Action Platform to be adopted in Beijing. One third of the text, precisely the part dealing with individual rights for women, was still in brackets. Mrs Crawley would have liked some examples of the arguments put forward by those who opposed these rights: why did they not want these rights in the Action Platform? What were their arguments?

Mrs Olafsdottir had mentioned a declaration adopted at the Third European Ministerial Conference on Equality between Women and Men - 'Declaration on Policies for Combating Violence Against Women in a Democratic Europe' (1993) and had pointed out this Declaration's particular innovation on one point, its affirmation that the State was responsible for certain acts of violence against women. Mrs Crawley requested more information on this point.

Mrs Radstaacke replied that the sources of information were NGOs and reports by individual refugees. Amnesty International carried out much research in the field when this was possible but in conflict situations it was difficult to obtain concrete facts and often it was only after a lapse of time, once the conflict was resolved, that the true extent of the damage could be seen. The United Nations did not have sufficient resources to carry out in-depth inquiries and research.

With regard to the Beijing Conference and the fact that the sections on health and human rights were in brackets, she said that since 1993, some countries had wished to distance themselves from the Universal Declaration on Human Rights. They called into question the universal nature of individual rights. This was the major discussion which had been launched by the Vatican and in which other countries had joined. In addition, some countries were willing to talk about violations of women's rights within society or the family, but found it very hard to accept that in some cases it was the government itself which was responsible, for example, because of the attitude of the armed forces or police.

Mrs Olafsdottir said that if the figures indicated an increase in violence, there was another important question, whether this was because women were more inclined to report violence than before or because there had been a real increase. She thought it highly probable that the two factors combined to produce this situation.

The figures came from various sources: police reports, complaints, reports by Amnesty International, Human Rights Watch, etc.

There were two sides to combating violence:

- prevention through education and greater awareness;
- sanctions.

Although the first aspect was very important, the second should not be neglected: there should also be severe legal penalties.

Addressing her remarks more particularly to the MEPs, Mrs Olafsdottir suggested they encourage their governments to organize national media campaigns to combat violence against women.

There had been an exchange of views on the Action Platform in the Council of Europe (12 and 13 June 1995), in which delegations from the European countries, the USA, Australia, etc had participated and in which the question of the universal nature of human rights had been a particular subject of debate. This was an extremely delicate issue as the term 'universal' tended now to take on a new meaning. Some countries wanted a statement that some human rights were not universal. Some did not want the word 'universal' included in the Platform as it could be misused. The same was true for the term 'equality' which tended to be replaced by 'equity'. Giving women 'an equitable share' meant in some countries giving them a less good share. This was why the question of including the words 'universal' and 'equity' in the Platform was so delicate and this was why the experts considered that each case should be examined individually rather than an absolute principle established.

The Council of Europe declaration which had been mentioned and which was only a declaration - not a binding instrument - stated at Paragraph 18 that the responsibility of the State was engaged with regard to acts of violence carried out by public officials. In other words, the State was responsible for any violent behaviour or act of violence towards a woman committed by a policeman. But the main innovation was that the State could also be responsible for acts of violence committed by individuals - i.e. domestic violence - if it did not act with sufficient diligence to prevent, investigate and penalize such acts of violence, and to provide support for the victims. It was this point of the Declaration which was completely new as this was the first time it had been suggested that the State might have a responsibility where domestic violence was concerned.

Mrs Bennasar Tous (PPE, ES) had the impression that the Amnesty International representative was fairly sceptical with regard to the outcome of the Beijing Conference, and asked her whether it was not legitimate to hope that the outcome would at least be solid information which would reveal the current state of affairs at international level.

She also requested further information on the resurgence of violence. On this point, she said that this year, in her region which was not very large, and perhaps not representative, there had been in a relatively short period two incidents of women burnt alive in horrific circumstances: sprinkled with petrol and set alight by their husbands! It should be understood that these appalling events had taken place in an apparently civilized region, where human rights were respected! Afterwards, the women's lobby had organized a major campaign to denounce these incidents, as it was particularly shocking that two women had suffered in this way in such a short time.

Mrs Radstaacke explained that she had not wished to underrate the importance of the Beijing Conference and see it only as a 'circus', but had wanted to express her concerns. If, as was currently the case, the main focus was on organizational matters, the actual content of the Conference could be obscured, and it was likely that the opportunity of exerting any real influence would be very limited. It was therefore important to have a good exchange of views not only between the NGOs, but also between the NGOs and government representatives. Such a dialogue would be all the more important as it would lead to a better final text.

Mrs Olafsdottir said once more that data on the increase in violence against women came from many different sources: police reports, NGO reports, etc. It was true that there was currently a resurgence of violence against women in Europe. Perhaps it was a symptom of the intolerance which was currently spreading over the

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Continent, manifesting itself in certain ideologies and finding expression in attitudes towards minorities, migrants, women etc.,

Mrs Hubert, the European Commission representative, outlined the activities undertaken by the Commission to combat violence against women.

The defence of women's rights at Community level originally came within the scope of social and employment policy. Certainly economic and social rights as guaranteed by many European legal texts were an element of human rights defence in general which should not be overlooked. The recommendation adopted by the Commission at the end of 1991 against sexual harassment at work was a Commission initiative to tackle the question of violence against women, although it also involved the world of work which was within the area of Community competence.

In the context of the fourth Community action programme for equal opportunities, the Commission was attempting to widen the issue of combating violence and defending women's dignity, not only in the world of work but also in society, as the discrimination suffered by women on the job market was a result of the lack of respect for women shown by society in general.

A number of other initiatives had been supported beyond the area strictly concerned with social affairs and employment, mainly in the context of policies conducted by the Member States.

The human rights unit (Mrs Napoli) was developing, in the context of the Community's external policy, a policy of active support for all initiatives aiming to uphold respect for human rights in general, women being considered a 'target group' within this policy.

In the context of development policy there was also a growing awareness of the need to include provisions on human rights.

Finally, in the context of the third pillar, Mrs Gradin was in favour of an exchange of ideas, experiences and practices and of publicizing some data on the problem of the treatment of women in the European Union.

This was a quick sketch of the various activities undertaken on the basis of powers which, it had to be said, were very limited in this area. In the areas of employment, external relations or even police cooperation, it was obvious that when the Maastricht treaty was revised, a specific clause on the dignity of women should at least provide a firmer legal basis for any action which the Commission might take.

II. COUNTRY CASE STUDIES: TIBET, ALGERIA AND RWANDA

5. Mrs Namgyal Phala is President of the Association des Femmes Tibetaines de Suisse (Tibetan Women's Association, Switzerland)

'As most of you might know, 1.2 million of our countrymen have died under the Chinese occupation since 1949. Although a smaller proportion were women, for every man who died in prison, in forced labour camps and in attempting to fight the Chinese, there were women to grieve their loss, the widows, mothers, sisters and

daughters who waited in vain hope of news of their men and were left to struggle for survival when their hopes were shattered.

Our women have always been brave. Some consider us the most liberated women in Asia. Since the majority of Tibetans were farmers and herders, we worked alongside our men in the fields and tending our herds of yaks and sheep. There was little distinction between the work of women and men and we shouldered our loads with physical strength and cheerful resilience. Every task had a song. The fields and grazing land resounded with our voices.

In the towns and cities our women were active in trading and the wives of the administrators and politicians were often capable of assisting their husbands.

Our country was peace-loving and we were proud of its 2,500 year old culture and saw ourselves as equal guardians of our precious religion. The Tibetan Buddhist teaching encouraged us to be selfless, contented and cheerful without great material wealth, kind to all creatures and, most importantly, to put others before ourselves. These are the values that we, as mothers, teach our children.

This was how we lived for centuries in our independent country with our unique language and our historical background until the Chinese invasion of Tibet in 1949.

There followed nearly ten years of China's intrusion into the political, social and religious affairs of Tibet, introducing Communist ideas, destroying monasteries and religious objects, humiliating everything that was Tibet and criticizing our religion, the element that gave our lives meaning and stability.

Then in March 1959, the whole nation of Tibet rose up against the Chinese military rule and our brave women rallied on 12 March 1959. They carried placards against the Chinese rule and shouted 'Tibet belongs to the Tibetans and China must quit Tibet', the same slogans that we still shout in demonstrations everywhere in exile 36 years later. The most fearless women leaders were arrested, jailed, tortured and were at the end publicly executed. We still remember these brave women of Tibet whenever we Tibetan women stage demonstrations.

Throughout the dark years of China's occupation, we women of Tibet have always been in the forefront of Tibet's struggle for freedom. Today in Tibet, Tibetan women are faced with merciless repression and torture under the Chinese occupation. There is no voice for women, women don't even have the fundamental freedom of expression. China always claims that the Tibetans in Tibet are more happy and prosperous today than they were. But in reality, Tibetans are far from happy. How could they be happy and prosperous when all the rights of Tibetans are taken by the large Chinese population, and Tibetans are made minority and second class citizens in their own country? Naturally, the women of Tibet are simply discontented. Therefore, even under such tight control, women still continue to protest against the Chinese, more frequently these days. But sadly, there is no room for the feeling of Tibetans in the policy of the Chinese government. So before the women even have time to begin with the protest, they are arrested, beaten, kicked everywhere and eventually dragged to the waiting police and taken to prison where they are kept for years without trial. In prison women have been assaulted, sexually abused, raped and interrogated with such tortures that they often lost consciousness. At the end of their prison term many of these women are in failing health, many suffer stomach bleeding, ruptured spleen, kidney damage and head injuries, from which many of these women have died shortly afterwards, like Gyaltzen Kalsang, the 24-year-old nun, and Sherab Ngawang, the 15-year-old who died very recently.

As I have said, we Tibetan women have always played a major role in the freedom struggle of Tibet but how long can we hold out? Can we even survive as a distinctive race with the Chinese policy of population transfer reducing Tibetans to a minority? How can we fight the genocide? Sterilization is forced on our womenfolk of childbearing age. Abortions are carried out. We believe that infanticide is being practised too. We have reliable eyewitness accounts of buckets of fetuses being thrown out like garbage from certain hospitals in Tibet. We Tibetans believe that life is precious and we never had a problem of overpopulation until the Chinese invaded and settled their surplus population on our best land.

In some areas, legislation has been passed that calls for mentally retarded or physically handicapped women to be sterilized. I am sure many of you know what it means when the Chinese tell our people that this is to improve the quality of our race and to eliminate poverty. The real reason behind this policy is that the Chinese are trying to wipe out the Tibetan race. In exile, we suffer the limitation and rootlessness of being refugees but when we hear the first-hand accounts of what is happening to our sisters in Tibet, we know that we are the fortunate few. Our children are comparatively healthier and better educated, thanks to those many organizations and individuals for their generous help and of course our thanks go to the Government of India and many other countries for giving us a home from home. Tibetan women have always been capable and liberated, so it is not surprising that women head many of the departments in the Tibetan Government in exile and run various institutions, others are doctors, nurses, teachers, social workers, administrators and artists. All these women earn the same pay as their counterparts. As we know that we are a lucky few, we see our responsibility of preserving our culture and traditions to make sure that we raise our future generation to be good and that they are proud of their unique heritage. You may know that even the youngest Tibetans in exile have political awareness and know that Tibet is their real home and their country. Even if they have never seen Tibet, they dream of going home to Tibet.

For all these reasons, and we know that there are also many women in this world in the same situation as we are, we therefore very much want to participate in this Beijing Conference, not only the NGO Forum but also the UN Conference. So at the moment we are working very hard to obtain the accreditations.'

6. Mrs Hafsa Zina Koudil is Algerian. She has just produced a film, and explained that in the incredibly complicated scenario which is Algeria today, anything you can say, any political or social analysis you might make would never seem entirely rational. However, there was at least one certainty which was not contradicted by events: undoubtedly, an ideological and cultural cleansing was taking place against all forms of free thought and against anything reminiscent of global civilization and its corollary of modern values.

'Assassinations of women are part of an overall strategy to eradicate any dissident movement, any rejection of uniformity, all freedom of thought and any culture which differs from that which fundamentalism wishes to impose.

Those who wish to maintain a veil of obscurity over the situation in Algeria speak of 'blind' terrorism. In fact they are the blind ones, as terrorism is not blind. The victims are singled out and well chosen. The statistics are morbid but do not lie. The favoured targets are: intellectuals exercising freedom of thought, artists seeking freedom in creativity, secular militants and Communists who defend their ideas, courageous imams who refuse to let a tolerant and resolutely forward-looking

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Islamic faith be distorted into obscurantism, independent journalists who try to spread ideas and women who are struggling to gain a place in society.

The horror of this machiavellian plan far exceeds that of any mankind has known before. Its initiators are more than intelligent beings, they are wizards able to manipulate the confusion of individuals to transform them into bombs ready to be thrown at anyone who, by their ideas, way of life or dress, gives any indication of Western influence. Women not wearing the veil, teachers of French, journalists, the intellectual and artistic elite and foreigners are the main targets of the fundamentalists in their drive to impose their ideal of society.

Women are perhaps paying the heaviest price of all the victims of fundamentalism, not because most of the current victims of assassination are women, but because since time immemorial they have suffered alone and in isolation from the effects of fundamentalist ideology. The fundamentalists make no mistake in selecting women as a strategic target. The modern woman carries the seed of progress. Like intellectuals and artists she is a repository of universal values, but is more dangerous than the others as she is in a better position to convey a way of life which goes against fundamentalist ideas. For the fundamentalists, keeping women in a state of dependence on men is the best way of controlling them. Women are given the responsibility of safeguarding tradition so that they can be induced to be the first to reject any progress from which they might benefit.

Algerian women have always struggled to gain a place in society. Courageous and heroic women have been there alongside the men at all the battles: from Kahina to Fatma N'Soumert, from Jamila Bouhired to Katia Dongana.

The few benefits they were able to obtain after their struggle during the war of liberation have gradually been eroded as those in power have come under the influence of the fundamentalists of the new FLN, post-independence version.

Fundamentalism in Algeria has not arisen spontaneously, its history goes back many years. It has taken root insidiously in Algerian society, even in the seat of power. Nobody took much notice at the time, but even then it was preparing society for its ideology by targeting women first.

In 1984 it imposed a law on the family which went against the ideals of the revolutionary FLN adopted at the Soummam Conference and by the Charter of Tripoli. From then on women have been minors for life, totally dependent on the whims of their overlords, their husbands. A woman can be thrown out with her children at a moment's notice if her husband simply decides to repudiate her.

This law was passed with the blessing of the only women's organization, the National Union of Algerian Women, an organization which is totally under the sway of the FLN, despite the demonstrations and sit-ins by many independent women in front of the Algerian Parliament building. Very few men objected at the time.

Other decisions followed.

- The weekend rest days were changed to Thursday and Friday, against economic good sense, so that more people would attend mosques to listen to fundamentalist preaching.

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- The police enforced the moral code which objected to any single women or couples; the Arab language was exploited and its use made obligatory in order to serve fundamentalist ideological aims.
- The national education sector was taken over to ensure that future generations were trained in the way the fundamentalists wanted.
- The information media were taken over and made totally Arabic to spread fundamentalist ideas.
- Countermeasures were taken against the Berber movement and the incipient democratic movement.
- Finally, recognition was given to the fundamentalist anti-constitutional parties who demanded power and claimed that democracy was "KOFR", i.e., contrary to the "Charia", the law of God.

The appropriation of the public mosques and the construction of many others by the fundamentalists is increasing anti-feminist teaching, while schools encourage children to change their families' behaviour, particularly that of their mothers and sisters who do not wear the "hijab" (veil). Algerian women are kept indoors, threatened, beaten, repudiated, exorcised, vilified and burned alive with their children in their homes, but they fight on. Their resistance is not due to courage: they have no choice. Their future is now at stake. But this time they are not alone. The resistance movement has grown as all the modernists have become aware of the danger. Resistance continues to grow among the population who are horrified by the methods and atrocities of the fundamentalist terrorists. It has even extended to one of the parties in government which is becoming more and more aware of the fundamentalist movement's urge to extinguish all opposition. Algerians hope that it will encompass international opinion and thus provide more effective help to Algerian democrats, as what is happening to us now is what happened to the world under Fascism. Ethnic cleansing has simply been replaced by ideological cleansing. The current fundamentalist slogan is: "who fights us with words shall die by the sword".

These fundamentalists are killing democracy and liberty. Their ideas are the negation of notions of justice and equality. The kind of society they wish to impose on the Algerian people is totalitarian and obscurantist, an abominable Fascist project, aiming to institutionalize the denial of free thought and planning to reduce women to a subspecies totally subject to the dictatorship of the mullahs.'

The speaker then read out a first-hand account which she had received by chance and which had provided the original idea for her film (see Annex VI).

In conclusion, Mrs Koudil said that on the grounds of having demonstrated her determined opposition to the fundamentalists and having produced this film which was now banned in Algeria, she had been condemned to death by the FIS terrorists.

She also wished to tell the meeting about her current situation. She had been in France for four months without legal status. As an illegal immigrant she had to remain in hiding and was continually at risk of being sent back to her country if she was stopped at an identity check.

Words were not enough to help people in distress. Concrete and credible action was needed. Mrs Koudil had mixed feelings of revulsion and despair. She had left Algeria in September 1994 after narrowly escaping being kidnapped. She had thought she would be able to take refuge in Tunisia with her husband and children, but Tunisia would not give her a residence permit. Her family had returned to Algeria the week before, and she was living in France illegally. She had come to Brussels secretly to take part in the Hearing, which meant that the people who had brought her were breaking the law, and in particular the Schengen Agreement and the Pasqua laws in France! For the past four months she had been applying for a residence permit in France but had not had a reply. She was still waiting. Her name was not on any register and she had not received any acknowledgment. The local prefecture was silent with regard to her situation.

If one day she was arrested and expelled, we had been warned, she concluded.

7. Mrs Mukantagara, representing the Association of Rwandan Women in Belgium, said it was a great comfort to her to be able to speak, as what Rwandan women had mainly lacked over recent months, if not years, was the opportunity to speak out. They had still not been able to speak even more than a year after the terrible events of which we were all aware. Being able to talk to this assembly and to express one's misery was certainly a therapeutic activity not only for Rwandan women but for any women who had had to undergo an ordeal of this kind. It was important now to recognize the situation of rape victims and to show solidarity with these women.

It was almost an honour to be able to stand alongside her sisters from Tibet and Algeria and express forceful condemnation of the situation suffered by women in the Third World. Yesterday it was Rwanda, it could happen somewhere else tomorrow!

Mrs Mukantagara referred to the conclusions of a report entitled 'Rape as a weapon of war in Rwanda: from silence to recognition - the suffering of the women and children who survived the Rwandan genocide', by an ethno-psychiatrist, Dr Catherine Bonnet, following a visit to Rwanda (text at Annex III).

She then quoted an extract from the report:

'There is cause for concern as to the future of the women who were raped as very few of them have spoken about it. The general attitude is to remain silent, even within families. Many doctors told me that women from their own family had confided in them after they had revealed that raped women had consulted them. Others think that women from their families have been raped but dare not reveal it, as they burst into tears when the doctors talk about the rape of women during the war. Some of these women apparently fear that their families or husband will turn away from them if they have lost their virginity or had sex with a man other than their husband. They equate rape with adultery, as there has been no legal recognition of the crime. Others fear that their family will blame them for having chosen survival through rape rather than death. The guilt of having survived the genocide at the price of rape is intense and reinforces their silence. A wall of silence and shame separates women from men, wives from husbands, girls from parents or brothers, if there has been no recognition of the crime or reparation for the damage caused. Rape in wartime is a formidable weapon as it has a destructive effect on the individual's mental state and causes very deep damage to family relationships.'

The report concluded that: 'There is therefore an urgent need to denounce these rapes of women and girls, so that they may be recognized as crimes against humanity and the victims and aggressors recognized as such.'

The Public Prosecutor of the International Court of Justice should start to consider cases brought by victims, while ensuring that they are given the anonymity and protection they need.'

The members of the Committee and anyone who wished to help should assist in putting pressure on governments so that the international tribunal could carry out its task in full. Impunity should be finally banished! But it was a prerequisite that Rwandan women and any women who had suffered this kind of treatment should have the courage to speak out.

Several times during the course of the Hearing, the question had been raised of the sources of the facts given in the reports. In this respect, there was no lack of first-hand accounts from Rwandan women.

After hearing what had been undertaken and achieved at Community level, it was to be hoped that this would serve as an example in the context of relations between Europe and Africa, that provisions on respect for human rights would be reinforced and that the situation of women - on which there was too often silence, or even repression - would be clearly heard.

A recent Amnesty International article had highlighted the fact that a woman who stood up was an easy target. The Rwandan Prime Minister had been assassinated not for her political activities but primarily and above all because she was a woman: a woman who stood up and had therefore become an easy target.

In conclusion, Mrs Mukantagara thanked the meeting for giving her the opportunity to publicize the cause of Rwandan women. It was always useful to provide support by adopting texts or exerting pressure. But it was important today to be able to say to the women of Rwanda that they were not alone and that other people were prepared to listen to them. These were the conditions which would enable them to talk about the violence they had suffered. If they knew they were being listened to and supported, they would have the courage to speak out without fearing loss of dignity. Programmes should be set up bearing this in mind.

Mrs Van Dijk spoke of the feeling of powerlessness induced by hearing these first-hand accounts. But this should not stop people taking action to put an end to such suffering or to improve the situations of women in these countries, despite our meagre resources. What would be included in the closing text of the Beijing Conference was not necessarily the most important thing. At our level, it was particularly important to exercise vigilance in relations with countries where women's rights were violated. The Committee on Women's Rights was not the only body concerned in this matter, there were also the Committee on Civil Liberties and Internal Affairs and the Committee on Development and Cooperation. It was true that these were distressing problems, but we had to face up to them.

III. AFRICAN WOMEN IN EUROPE

8. Mrs Bisi Adeleye-Fayemi, representing the Association Akina Mama Wa Africa (UK)¹, spoke in particular of the many violations of the civil, political and socio-economic rights of African women.

'There are only estimated figures given for the numbers of Africans in Europe. A conference on the "African presence in Europe" organized by the Africa Committee of the Migrants' Forum in April 1993 put the number of Africans in Europe at approximately 5 million. Considering the fact that at least 50% of the African population in Europe would be made up of women, African women in Europe can be broadly classified as follows:

- African women who came to live in Europe in the 1950s (as students, nurses, transport workers, refugees from e.g. apartheid South Africa, etc);
- African women who have been coming as partners or wives of students over the past 40 years;
- African women who have come in to Europe in the late 1980s due to the political and economic crisis in Africa;
- "Second Generation" African women, including those of dual African-European nationality who are *bonafide* European Union nationals.

African people who lived here 30 years ago had the opportunity to go back home to Africa after independence as part of an emerging middle class. There were bountiful opportunities for that generation because they were the post-colonial policy-makers and leaders. This generation lent truth to the metaphorical belief that the streets of Europe are paved with gold. Unfortunately, mass corruption, ineptitude and nepotism bred one oppressive regime after another, propped up and supported by some Western governments.

With the economic crises of the 1980s, combined with political turmoil and untold misery for millions of Africans, this first generation of African women, plus women in the second category and their children, now make up the third and fourth category of African women residing in Europe.

There are also categories of people still leaving Africa *en masse*:

- refugees and asylum-seekers fleeing from war, persecution, famine and similar situations (Ethiopia, Somalia, Mozambique, Kenya, Liberia, Sudan, Angola,

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Akina Mama wa Afrika (African Sisterhood) is an African women's non-governmental development organization based in the UK which provides development services for African women. Akina Mama wa Afrika offers a resource, self-development and research forum and provides a platform for African women to participate in policy and decision-making at local, national and international levels. AMWA's membership comprises African women migrants, refugees, asylum seekers, professionals, students, and women of dual African-European nationality. Akina Mama wa Afrika was started in 1985, and is currently working with other African women's groups in Europe to establish an African Women in Europe Network. Akina Mama also publishes "*African Woman*", a bi-annual development journal.

Uganda, etc.),

- economic migrants.

The debt crisis has forced African governments to implement structural adjustment programmes (SAPs). These have led to extensive cuts in services, unemployment, inflation, a sharp fall in standards of living, and a subsequent massive brain drain. Recent figures put the number of Africans who have left over the past five years at 100,000 highly skilled men and women.

Issues of concern to African women in Europe

African Women are more likely than men to want to leave the Continent to seek out a better life, mostly because a lot of women are either breadwinners, single parents, or have to fend for themselves in polygamous households. The few opportunities available for education and employment are for men, so women are more likely to be marginalized. A lot of African women therefore borrow huge amounts of money to pay their way to come to Europe. When they arrive in Europe, the most important agenda they have is to be able to earn a decent living in order to be able to go back to Africa at some time in the future. In all our years of working with African women, we have come across very few who do not intend to go back within the next ten years. However, due to the harsh conditions under which they live in Europe, it is hardly ever possible for them to gather enough resources together to be able to go back to Africa, and they end up staying on until their children grow into adults, and the cycle continues. A lot of African women are coming into Europe for the first time. Some of them do not speak the European languages of their country of domicile. Due to their lack of familiarity with the system, women in our community are poorly informed about their rights and obligations. The following are specific examples of some of the concerns of African women:

Employment

Women (as well as men) have to go through a vicious cycle on the employment market. For the refugees who cannot speak English, they have to learn the language somehow, and if they arrive in the middle of a school year, they have to wait, in order to be able to start language classes. For the professionals (doctors, lawyers, pharmacists, engineers, etc), their qualifications have to be "upgraded", which means having to sit for extra examinations or training courses, which cost money. In order to do this, they have to work, so they take up menial jobs such as cleaning, security, catering and taxi driving. When they get their papers "upgraded" they join a very hostile market.

Child care

While African women are going through this cycle on the job market, they face very serious child care problems. Child care is a major problem for migrant and refugee communities, because they cannot afford local nurseries (where they are available), and they cannot afford what to them is the luxury of staying at home to look after the children. Living solely on State benefits is an insult to an average African, a fact which a number of people in Europe are not aware of, instead, they have been accused of "flooding" into Europe to "sponge off the welfare states". In places like Italy where large numbers of African women work as domestic servants, they do not see their children for most of the day, and they are left alone unattended.

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Some of the women who have older children get them to babysit, and they (the mothers) become live-in domestics, only seeing their own children at weekends.

To tackle their child care problems, in parts of England for instance, African women place their children in white foster homes which for them is cheaper and enables them to engage in employment or studies, this is known as "private fostering". This has however resulted in a further crisis for them: the whole area of private fostering has become problematic, with cases of child abuse, abandonment and parental indifference. As a result, large numbers of African children have been taken into local authority care.

Housing

Many African women are kept homeless, or housed in squalid hostel accommodation while local housing authorities pass their files around, and eventually lump them with other black families on inner city estates that have been described as "concrete jungles". The problem of accommodation is particularly acute for refugees, who have risked everything to get what they believe is a safe haven. Often, homelessness, racial abuse and lack of understanding of the system places them at severe risk and makes them more vulnerable.

Health

All the problem areas cited above, plus a lack of familiar support systems, isolation, stress, lack of appropriate counselling, etc. lead to mental health problems. There is also a lack of adequate provision for information to women in the community on issues such as HIV & AIDS, sickle cell anaemia, cancer, lupus and the effects of infibulation and other forms of female genital mutilation. Though no figures are readily available, more and more African women suffer from stress, and conditions generally related to a sense of ill-being.

African women in Europe rarely have an opportunity to have their voices heard at policy-making levels, either in their host countries or in the diaspora. African women living in the European Union face a battle on two fronts. In the society at large, they live in a hostile, racist environment which is institutionally constructed to exclude them. This exclusion is manifested through the following:

- * institutionalized racism,
- * sexism,
- * immigration control,
- * refugee/asylum seeking processes,
- * lack of racial equality legislation,
- * employment rights.

Examples of Human Rights Abuses

1. Immigration Laws

Certain immigration regulations in Europe have led to gross violations of civil liberties and human rights. In the UK, there is a 'one year rule' which stipulates that a marriage between a UK citizen and a foreigner has to be maintained for one

year before divorce². This is known as the notorious 'one year rule'. This has put a large number of women in migrant communities, particularly the Asian and African community, at risk of suffering months of torture and domestic abuse. For women such as these who have dependent immigration status, they may be deported if the relationship breaks down. The situation is also bad for African women married to students, and whose immigration status is dependent on that of their student husbands; these husbands have been known to study for years and years, with their wives having to renew their visas to stay each year, always at the mercy of their husbands. The "one year rule" often gives the settled spouse and his family (if it is the man) an opportunity to use his position of power to exploit the vulnerability and insecurity of the dependent spouse.³ The rule has led to a gross distortion of power relations. This situation is used by men to exploit their wives through physical violence, mental cruelty, imprisonment in the home and sexual abuse. Couples who have been married for many years in their former countries of domicile are also subject to the 'one year rule' in circumstances where a spouse has come into this country to join his or her settled partner. The need to subject these marriages to the "one year rule" is not comprehensible.

The "Primary Purpose Rule"

There are other rules such as the "primary purpose rule"⁴. Immigration officials tend to view marriage within minority communities as problematic. There are often assumptions that marriage where one spouse is not settled is entered into for the "primary purpose" of living in the UK.

"No recourse to public funds"

This goes hand in hand with the "one year" rule. During this period, women do not have any recourse to public funds for housing, income support, etc. This rule strictly forbids a spouse from seeking any form of public assistance which might be construed as depending on State resources. This has direct consequences on women trying to flee from forms of abuse in order to protect themselves and their children. Women fleeing from domestic violence are subjected to questions regarding their immigration status. When Africans call the police to investigate a robbery or other crime, the investigation gets round to that of immigration status.

Refugees and asylum seekers

Refugees and asylum seekers have to wait for months and years for permission to stay on in Europe. They endure untold hardships of lack of accommodation, unemployment, language difficulties and isolation. They also have to endure being continuously policed. For refugee women who have lost the protection of their families and other support systems, especially their husbands, the sense of loss and confusion in a strange, hostile environment is acute. This has been documented

² HC 251 PARA 51, 131,132, require that the applicant, having been given initial leave to remain in the UK on the basis of marriage, must then remain within the marriage for 12 months before he or she is given indefinite leave to remain.

³ *Domestic Violence and Asian Women: a collection of reports and briefings*, Southall Black Sisters, London 1995.

⁴ HC 251, PAR, PARA 50

extensively, especially by refugee women themselves⁵. It is however also important that gender-based persecution is recognized universally as legitimate grounds for asylum.

2. African women migrant workers⁶

A large number of African women in Europe are migrant workers. They sustain low grade industries and markets, and their labour is exploited to the full, with no union protection and no labour laws to safeguard their interests. They also work odd hours such as late at night and very early in the morning, thus leaving them open to attacks.

3. Trafficking in women⁷

Hundreds of African women are promised jobs in Europe as domestic maids or waitresses in reputable establishments. When they come in, they find themselves at the mercy of pimps, as do women from Latin America, Asia and Eastern Europe.

4. Multiculturalism

Some aspects of multiculturalist policies have had the effect of denying women from black and ethnic minority communities access to protection from statutory agencies such as police or local authorities⁸. These authorities are particularly reluctant to intervene in African communities because they believe the community has its own mechanism for dealing with issues such as domestic violence, child marriage and genital mutilation. They believe their interventions will be seen as racist and as policing the men. Whilst it is acknowledged that interventions have to be sensitively handled, the very fact that African women are not consulted on the issues which are of concern of them leaves room for others to speak and act on their behalf. Within their own communities they suffer from sexism and the burden of sustaining cultures and traditions, some of which constitute abuses of their human rights such as arranged marriage, child marriage and female genital mutilation.

⁵ For example see "African Refugee Women" in Conference reports, African Women in Europe, 1992, and "Refugee Women in the Netherlands", Alem Desta, in *African Woman*, June-November 1993.

⁶ KALAAYAN is a support group for women migrant workers which campaigns for the protection of the rights of migrant women workers. KALAAYAN has experience of working with Filipino migrant workers and an increasing number of African women.

⁷ See "The reality is often worse than fiction": Trafficking of African Women in Europe, Mukami Mccrum, *African Woman*, June-November 1993

⁸ See Pragna Patel, "Multiculturalism, the Myth and the Reality", in *Women: a cultural review*, n°3, Winter 1991.

A typical example of this is the way in which the debate around genital mutilation has been handled in most countries in the European Union⁹. The contributions and expertise of African professional women working in this area have often been ignored, and it has taken persistent advocacy to change this attitude. The position of African women on this issue is by no means a homogenous one, but the general consensus amongst us is that certain multiculturalist policies have to take into consideration the fact that women from within migrant communities suffer oppression within these communities and therefore mechanisms have to be developed to provide assistance to safeguard their human rights and dignity. Women's human rights are indivisible and inviolable, therefore gender-specific abuses within migrant and refugee communities should not be tolerated under the euphemism of multiculturalism.

Conclusion

The experience of our organization, AMWA, has shown that the development of Africa as a continent is closely connected with the millions of Africans who are currently displaced throughout the diaspora as refugees, migrants and second generation Westerners. The analytical tools for development should be redefined to include an analysis of the "South of the North" which is represented by black, migrant and other minority communities, and especially women within these communities. The European Union should express the same outrage it does about human rights abuses in Southern countries when the rights of women in their own countries are abused. In May 1995 our organization received a call from a teacher in London whose 13-year-old African student was about to be taken away to be married. We were not able to trace her because she was too scared to give us the relevant addresses. She did not want to be "*accused of interfering with other people's culture*". She had already contacted local social services which had said it was none of their business and they had no mandate for action. Being married at 13 should not be anyone's culture. "*Human rights of women and the girl-child are an inalienable, integral part of universal human rights*" states the 1993 Vienna Human Rights Declaration. There are credible African, Black and Migrant NGOs and individual women in Europe who provide a support base for advice, information and advocacy, if only they are involved from the outset. As we prepare for the Beijing conference, the European Parliament and relevant agencies might want to reflect on this as a basis for future policy-making.'

RECOMMENDATIONS TO THE EUROPEAN PARLIAMENT

We have the following recommendations to make to the European Parliament, relevant committees and agencies interested in issues affecting black, refugee and migrant women in Europe.

- European Union countries should be more aware of human rights abuses committed against women in their countries, especially black migrant women.

⁹ See appendix for resolution passed on genital mutilation at the October 1992 conference on African Women in Europe convened by Akina Mama wa Afrika, London. For further information on policy recommendations to Western countries on female genital mutilation, see "*Cutting the Rose: Proposal for the Elimination of Female Genital Mutilation*, by Efua Dorkenoo (OBE) Minority Rights Group, 1995

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They should critically examine their domestic policies *vis à vis* immigration laws, community development programmes, race relations laws, and processes for access to social equality and justice.

- It is important to encourage African women to organize themselves by themselves. This will require that government and non-governmental agencies in Europe should target autonomous African women's groups for support. This will enable African women to work with other women's groups from a position of strength and empowerment.
- The African community is perceived to be smaller than other 'migrant' communities and tends as a result to receive less support from statutory provisions in the European Union, and from the European Commission's funding departments. There has also been a great deal of confusion as to what funding is available, who can apply for it and what for. The Commission should consider making it much easier for migrant groups to apply for funding by appointing funding liaison officers whose job it would be to develop and encourage migrants' projects.
- African women need to be more involved in advocacy, policy, research and analysis, and they need to be duly consulted and involved in these processes at European Union level.
- African women in Europe are now investing resources in development work in Africa - we have a vital role to play in the reconstruction of our home communities which have been ravaged by years of war, conflict, famine and economic crises. Donor agencies should therefore support Africans who wish to develop this area of work.

COMMUNIQUE AND RESOLUTIONS TAKEN AT THE FIRST CONFERENCE ON 'AFRICAN WOMEN IN EUROPE', LONDON, OCTOBER 30 - 31 1992.

We African Women, residents, citizens, refugees and asylum seekers in the EC in consultation with women delegates from the African continent and diaspora met at a conference, 'Strengthening Our Links - African Women in Europe' on 30 and 31 October 1992 at the London Women's Centre, Wesley House, London. The conference was convened and hosted by AKINA MAMA wa AFRIKA.

We have agreed to form a PAN AFRICAN WOMEN'S NETWORK in Europe working with African's Women's organizations in Africa and the African Diaspora.

We hereby call on the European Community to:

1. Guarantee freedom of movement for all residents including Third World country nationals;
2. Create a safe and common legal status for all residents including Third World country nationals living in Europe;
3. Adopt a common procedure for asylum seekers, conforming to the Geneva Convention on Refugees and being more favourable to the asylum seeker in his or her country of origin;

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4. Clearly confirm that racial equality is the main objective of 'migration' policies and determine a certain number of common basic measures in order to achieve this goal: voting rights for all permanent residents, positive actions for migrants or ethnic minorities in the field of employment and housing and intercultural education;
5. Give the European Parliament increased competence to initiate Community laws and to control the Community executive power in the field of migration, refugees and race relations;
6. Solemnly and unanimously promise not to seek or accept any kind of agreement with reactionary movements or parties;
7. Recognize the presence and contributions Africans and in particular African women have made and continue to make in this community.

We deplore:

8. The rise in racist and xenophobic attacks on migrant peoples in Europe, and the apathy of certain EC States towards this phenomenon;
9. The use of African women in the trafficking of drugs;
10. The negative images given to African people and particularly to African women;
11. The flagrant and indiscriminate pollution of the African environment;
12. The trafficking of African women in the prostitution economy;
13. The use of African women as a source of cheap labour;
14. The exclusion of African people, particularly African women, from the decision-making process;

This conference proposes that:

- 1.1 A Pan-African women's network be established; the only way forward is mobilizing, solidarity and networking;
- 1.2 Akina Mama wa Afrika should establish a resource centre for African women; which will serve as a focal point for the dissemination of information, sharing of skills and expertise and networking;
- 1.3 Akina Mama wa Afrika should initiate further discussions on the younger generation of African people in Europe, particularly teenagers;
- 1.4 Akina Mama wa Afrika should initiate a meeting with human rights organisations to investigate the plight of African women who are used for cheap labour in the EC, and Italy in particular;
- 1.5 Akina Mama wa Afrika should within two years call another conference to articulate and do justice to the issues raised this October with a view to building stronger and meaningful working relationships with grass-roots

women's organizations in Africa and active African Women's organizations in the EC, in preparation for the 1995 UN Decade for Women convention in Beijing.

Mrs Jouppila, (PPE,FI), wished to return to the question of sexual mutilation on which Mrs Adeleye-Fayemi had spoken so forcefully. She hoped the Committee on Women's Rights would adopt a clear stance on this issue and encourage Parliament to insist that the Member States ban such practices. It was a very serious issue, as attested by some particularly distressing accounts, and should therefore move us to use all possible influence to insist on the adoption of specific measures.

Before closing the first day of the hearing, Mrs Van Dijk (V, NL) said that Parliament had already addressed the problem of sexual mutilation at least once, in 1990, in a report on women and health care for which she had been the rapporteur. Parliament had adopted a resolution (A3-93/90) at the time in which it considered it necessary to put an end to the mutilation of female sexual organs by clitoridectomy and infibulation. However, Mrs Van Dijk was of the same opinion as Mrs Jouppila, and it was entirely possible for the Committee on Women's Rights to consider this issue again as it had decided to include women's health in its work programme.

IV. SOME EXAMPLES OF VIOLENCE AGAINST WOMEN IN EUROPE

9. Mrs Soile Pohjonen, a lecturer at the Faculty of Law, Helsinki, chose the topic of physical violence and rape in particular, as these were the most characteristic forms of violence against women and also the most usual forms of violence in private life.

'I am going to talk about battery and rape, which are the most typical forms of violence against women, and the most common in intimate relationships.

It has been generally acknowledged in the work of international organizations that violence against women is a sexual equality and human rights issue. The problem of women becoming victims of violence precisely because they are women, for example wives or female partners, is known in Scandinavia as 'gender violence'.

My country, Finland, is considered to be among the most equal countries in today's world. That is why people abroad often wonder why there is still so much violence against women in Finland. Dependency seems to be one typical factor in violence cases. Women in Finland usually work full time, so shouldn't they be economically independent? Apart from the fact that salaries and career possibilities for both sexes are not equal, in Finland as elsewhere, it should be pointed out that there are other kinds of dependency. Women are still usually supposed to take the main responsibility for caring for the family. Spouse, children and family are considered to be more central to women than to men. This often affects women's career and salary, and makes women socially and psychologically more dependent on the family.

To date there has been very little research on gender violence in Finland so I cannot answer this question on the basis of any research results. But my explanation is that the problem is a matter of gender.

If we look at the problem as concerned with the individual, with relationships or with the social structure, gender is very central to all of them. Our gender

constructs us as we also construct it. The division itself into women and men is a social construction. We decide what value and purpose we give to certain biological features (and usually forget that not everybody fits into these categories). The kind of human beings we are, the kind of roles we take and how we behave in our relationships are all part of the gender structure in our society. It could be said that gender affects everything in our understanding. There are even male and female differences in the ways we understand reality and how we consider that we know something.

As people we are roughly speaking considered to be half-people, representing only the feminine or the masculine parts of humanity, whatever we mean by femininity or masculinity. Neither the traditional man's role nor the traditional woman's role creates strong people, quite the reverse. Men are supposed only to be strong and so they have to deny any supposed feminine weakness, which causes contempt for women as representatives of weakness (of men). It goes without saying that it is not easy to become strong either if you are supposed to be only weak, you end up seeking strength outside yourself, in another person, in men. These are naturally generalizations, stereotypes. There is much research which very clearly shows that many men quite consciously want to show their power as men in relation to women through violence. If we don't believe in essential, biologically defined differences between the sexes, that men are violent by nature, we have to admit that the fact that it is mostly men who are violent also shows that this problem has something to do with our gender structure.

I should say that gender violence will remain a problem for as long as we have a gender society, where people are expected to adopt a one-sided role and not become whole people, for example strong and at the same time being able to admit weakness. Violence against women is not abnormal but only a way of exaggerating normal behaviour in our gender structure.

Equality in the labour market and in society are important factors in changing traditional gender roles but at least as important are the roles in family life, in love affairs, in the everyday symbols and expressions which create the values and expectations of people as women and men.

Roles in sexuality are probably the most effective ways to maintain the gender roles which are seen as natural. My conclusion is therefore that gender violence, which is usually violence in intimate relationships, is indeed very much an equality issue, and if it is to be abolished, equality has to go far deeper than it does for example in Finland.

As our attitudes play such a central role in gender violence, I want to emphasize the need to rethink our professional ideas and our sciences and the need for education and for cooperation on the part of the authorities whose responsibility it is to help victims of gender violence.

Different branches of science and different professions have different attitudes. What is common to them is that the attitudes behind their structures and ways of thinking as well as the attitudes of the professionals who apply them are subject to gender bias and still often represent the perspective of men.

We are all familiar with the practice of mud-slinging - maligning the victims in rape cases (blaming them, calling them 'bad' women, etc.). Men's sexuality and women's sexuality have been opposed to each other and somehow this twisted comprehension has affected legal decisions. If we see the threat of rape as one way

of keeping women under control and in their traditional roles, the expectation that women's sexual behaviour should conform to tradition if they want their right to sexual self-determination protected by society's laws in itself creates a fruitful atmosphere for rape. The roles of a traditional woman and a victim are very similar.

A passive, dependent and helpless person is an easy and even tempting object for aggression. Some research has found that rapists and men who might sometimes consider rape justified are men with sexually conservative attitudes towards women. It has been pointed out that it would be most unlikely that a well dressed man who had occasionally given money away voluntarily and who was walking alone at night with cash in his pocket would be accused of wanting to be robbed, unlike many rape victims.

We also know that the police very often do not consider it their duty to become involved in domestic violence. It is considered to be a private matter. Violence against men usually happens in public and against women in private. One example of this attitude is that rape in marriage is not considered rape in all countries. Marriage is considered in practice to have abolished the sexual self-determination of the woman. Women's individual interests, or rights, are often not taken into account, or they have equated their interests with those of the family in a self-sacrificing way which in my opinion isn't good for anybody in the long run. Thus, it has happened that women who have reported their husband for rape (which usually means a very severe case) have been considered guilty of breaking up the family or causing the family economic difficulties. The suffering of women and children has been disregarded. A similar attitude to the criminal's family is very rare in other cases - even where the husband or partner might be a loving and caring person.

It is very important for a victim of gender violence to know that her claims will be taken seriously. It also affects the behaviour of many men, at least those who are otherwise law-abiding citizens. They would usually reconsider their behaviour if it entailed social opprobrium.

Victims of gender violence often find obtaining help a considerable ordeal. The problem is a many-sided one and the woman's self-esteem is usually quite low after being crushed by the man, because of his low self-esteem one could say. Different authorities with their different attitudes find different things relevant or irrelevant and it is difficult to know what to say to whom - and nobody is interested in the whole picture. In a legal discussion particularly it may be fatal to use 'wrong' words.

Many rape crisis centres have tried to diminish this problem by providing all the necessary help in one place. For example, in Finland there is some cooperation between police and social workers and in Sweden they and some other professionals receive the same training on gender violence. More education is probably the only way to make people even partly aware of their often unconscious attitudes to gender violence.

I think that we need more research and experimental studies on gender violence (therapies, new kinds of procedures etc.). We need to rethink our structures to solve this problem. We have to evaluate our professional attitude to question whether the starting point is acceptable, whether the applications are reasonable. For example, in law it could be said that the general principles don't always apply to the situations which are typical for women. One could also say that not enough has been done to devise special procedures etc. for problems where the traditional

methods are ineffective. Our European legal systems were not created to solve problems such as violence against women in private.

There are many reasons why our legal systems should be rethought altogether - for example the criminal law and its 'nature', but as a thorough change cannot be expected overnight, we must try to make the best of the system we have today by trying to make small improvements. There have been some suggestions like the concept of unintentional rape, meaning that the rapist is held responsible when he should have understood (usually) that the woman did not consent, and the application of self-defence has been widened in some cases in the USA when a woman has finally killed a violent man after many years of suffering and threats and when she has been unable to find any other way out of the situation. (Violent men often don't want to let the woman leave and sometimes threaten to kill her if she tries to. Usually there is a need for an immediate response to the threat and these women quite understandably act, for example, while the man is asleep.)

There is a need for some rethinking in all sciences: psychology, therapy, family counselling and psychiatry. Their theories and practices are also coloured by gender. For example, violence against women has been explained by women's masochism and gender violence has been called family violence in the sense that it is a relationship problem, forgetting that the man is always responsible for the violence he commits.

Support for women who are victims of gender violence is very important but the kind of support required is that which helps the woman to (re)gain her self-esteem and self-respect, which the man has usually deliberately tried to suppress, which also increases the difficulty for her of leaving the situation.

It is important to be able finally to discard the role of victim. This is also true for men. Violent men often explain that the battering was the woman's fault because she behaved badly, etc. Or that the woman provoked him to rape her. Isn't this a typical victim attitude! He doesn't consider himself responsible even for his own actions. On the mental level violent men are also usually more dependent on their victims than vice-versa. Women, unlike men, seldom continue to have other violent relationships. The oppressor needs someone to oppress.

Violence against women in its - one could unfortunately say - everyday form is a quite typical example of a gender problem where more or less unconscious attitudes may often prevent women enjoying one of their most basic human rights: physical self-determination.'

Mrs Van Dyk (V, NL) considered that Parliament too often tended only to consider the socio-economic situation of women, forgetting that this is closely linked with the violence inflicted on them by reason of their sex, as Mrs Pohjonen had just pointed out. It was impossible to solve one problem without solving the other. Some might say that this was a vicious circle. That attitude was, however, too pessimistic. It was important therefore to work to improve not only women's socio-economic condition, but also their position in a society which contributed to the attitude which subjected women to various forms of violence.

10. Mrs Monika Gerstendörfer, representing the German-based association Terre des Femmes, is a psychologist by training and her work is concerned with violence in the media.

'Violence against women in or through the media is a problematic issue which has been debated almost continually in recent years. There are two main opposing views: on one side stand those (mostly feminists) who attack the image of women which is portrayed and promoted: women as weak, helpless, slightly silly, using their heads only to put make-up on; but in particular as sexual beings, or even sex objects, which men, as they please, either rescue or oppress, rape and dominate. Those who attack this image consider that it has a decisive influence on attitudes to women, and that this attitude has an adverse effect on the behaviour of men and boys.

On the other side (the media themselves, and also the so-called liberals and left-wingers) are those who put press freedom above all and often cry censorship when feminists and others want to ban certain films and programmes.

Politicians often consider that the media should regulate themselves and take a responsible attitude. This is difficult enough when it is a question of endangering young people; it is much more difficult if it is women who are in danger.

Many people also simply think it has not been scientifically proved that programmes showing sex and crime and negative images of women lead to more violence; on the contrary, they consider pornography an outlet for so-called male aggression.

But that is quite wrong!

It is certainly true that after numerous studies science has come up with more questions than answers, but it has been proved that consumption of violence or pornography makes people less sensitive - less sensitive to feelings of sympathy for female victims (e.g. rape victims). There are other research findings, but I want to concentrate on this one, as the lack of sympathy for rape victims is a basic and serious problem in our society: it is a determining factor in violence and also for attitudes to violence. And this problem - lack of empathy - is currently becoming more widespread.

Standing here in the European Parliament, in the middle of Europe, a part of the world considered highly developed, ultra-modern and highly industrialized, I am going to present the topic 'Violence in the media', which fits in with our industrialization and modernity - in both senses of the word.

I am going to speak on information technology and on the main artefact of information technology, the computer. The computer is the most up-to-date medium concerned with violence against women, indeed for all forms of violence against women!

As a research psychologist, as a worker for many years in the research centre of a large American computer firm and as an active campaigner for human rights I am convinced that computers and information technology are partly responsible for the current increase in violence. And I prophesy that this medium, this tool, will increase the speed at which violence spreads.

I now come to my main point.

'Computer pornography? I didn't even know it existed!'

This is the response I hear in 99.9% of cases when I bring up this subject in groups of women (and also men). Most women (and adult men) know nothing about it.

Most male teenagers, young men and everyone who doesn't just use a computer as a typewriter know exactly what it is.

The people who know what it is are simply the 'main user groups'. So what is computer pornography? Is there something special about it? Yes! There is something special about it, for the following reasons.

- In computer pornography the traditional boundary between consumer and producer has disappeared. This began with videos. Using a video camera anyone can make his own private porn film at home; he can offer it to other people, sell it or keep it for himself.
- This is also possible with computer pornography. But here it is even easier. A computer is a very technical machine, it is not regarded as a hobby like a video camera. Most people and parents think that computer users are doing difficult and serious work and a diskette is even less obvious than a video cassette. Just about anyone can play a video cassette, but this is not so for a diskette.
- This is one important aspect: there is more transparency and privacy in computer pornography than in videos.
- But a particularly important aspect is that computer pornography doesn't need live models. Therefore there are no witnesses and no proof! An example: teenagers would have no problem in adapting a porn programme (e.g. Playmate) for their own needs. For example, a boy once cut the head of the Playmate out of the programme and substituted the head of his teacher, whom he couldn't stand. All he needed was a scanner, which is a kind of copier: the scanner copies pictures and data into the computer. In this way the teacher, unbeknown to her, became a porn star. This could happen to any woman, in offices as well.

I would now like to show you what you can do with these Playmates.

- After this explanation I mentioned a third important aspect: interactivity.
- There is a difference between looking at a porn film or interactively manipulating the object or woman on the screen. This involves interactive components. The user has the feeling that he is doing something, playing an active role in directing events.
- Male teenagers are also fascinated by games and technology, and at their developmental stage they still principally learn social skills through imitation. Imitation is the primary means of learning for all the higher mammals. Human beings have the greatest potential for learning, as they have an incomparable visual system. Watching is not the only component of learning by imitation. Watching is the first stage; imitating, i.e. doing, taking action, completes the learning process.
- This also encourages the urge to play, which is a strong motivating urge, particularly for teenagers. They can get their first 'kick' by changing

something or doing something which produces a 'result' or product. This gives them positive feedback. (Feedback which they rarely get these days in school or at home.)

- With interactive computer pornography on CD-ROM it is now possible to complete the learning process. The user can manipulate a mouse, a joystick or a touch-sensitive screen; using a scanner or a video-digitizer, he can himself produce, change and programme moving pictures with only the simplest materials to start with. A single porn magazine or film will suffice.

What of the image of women which is conveyed? Is this also different? Yes. Technological development has made virtual women (Maxie, Misty or Valerie) very lifelike. They are technologically well endowed and their technology works. They always have the figures of top models and they are totally available.

Virtual women do everything that the user or programmer wants them to and give exclusively positive feedback. Regardless of whether the user employs whips, handcuffs, artificial penises or other 'tools', virtual women 'enjoy' it and ask for more. So-called sound cards enhance this effect by enabling the virtual women to say words and make sounds. They never express pain or criticism, they never say they don't want something, and these 'women' are also limited to so-called penetrative sex.

I consider that a weapon is being created here in the transmission and production of the female image. It is a female image that frightens me. Please bear in mind that the number of male teenagers who have their first 'sexual' contact with virtual women is very high. Anyone who can really use a computer can find pornographic material very quickly. There are demo programmes packaged as pornography (the Mackintosh picture data package). For teenagers Valerie and Misty are actually more accessible than real women or girls. As a psychologist I am interested to know what will happen when these teenagers with their experience of computer pornography meet real women or girls. What will happen when the real women have different reactions from those of the virtual women? One thing is certain, the pictures are misleading, for virtual women are not real people or women. (For information, in Germany, 8% of the most popular children's games are on the index. Experts consider that the age of first contact with this kind of material is getting lower!).

I also consider that a weapon is being created in the way the male image is conveyed. That is a very untypical statement for a feminist. Unfortunately we are inclined to forget the male image conveyed by the media. I find this male image terrifying. It is irresponsible to show teenagers this kind of dehumanized image: violence against women is sold as a game. Violence is a game to be played. The winner is the one who rapes the most women (e.g. Larry). The winner is good, or strong or a real man.

We women are right to protest against the image of women conveyed by the media, because we are not like that. May I put the provocative question, why do men protest against the image of men conveyed by the media? And what alternatives to these images do they wish to propose?

A virtual construction of (violent) reality and a virtual construction of women (images) is taking place through the artificial world of the media (cf also the history of weapons, the atom bomb). Real interaction with the tool (like pressing the button for the atom bomb), together with the possibility of individually

determined use and adaptation is experienced as activity even if it does not take place in 'actual' reality.

As people generally also live in a non-virtual reality, realities can become confused so that action in one prepares the way for action in another. As most men and boys in 'actual' reality have fewer opportunities for interaction with women than in virtual reality (because of availability!), and as there are no penalties for trying out or regularly practising violent acts against women in virtual reality and no judgment is passed by colleagues or society (privacy), the medium is extremely popular.

IT makes women increasingly into objects: women are not only separated from their own bodies, they are separated from the direct (sensual) experience of the violence done to them: virtual violence.

By externalizing the direct exercise of physical violence against women, via the computer, the senses are separated in the men's heads as well - and this results in a separation of the awareness of sorrow, pain, fear, etc. in other people. And this brings us back to the lack of empathy with the victims of violence. Empathy is something which people have to learn, as without empathy there can be no peaceful coexistence. We are talking here about peaceful coexistence between the sexes.

I fear that with the aid of computer pornography, the real lives of men and women (or girls and boys) will drift even further apart than has been the case up to now.

What I have described is only one of the possibilities which computers and IT have opened up in the area of violence against women (and children). There is a second possibility which has led, and continues to lead quite directly to a (quantitative) increase in violence.

Ladies and gentlemen, the computer is the first tool in the history of mankind that combines two functions: as a medium and as an instrument. So far I have spoken mainly of its function as a medium. This function is so graphic and sensational that the media often ask me about it, but let me tell you now all the things that the computer as an instrument can 'achieve'.

The computer as instrument directly increases the circle of victims. Through world-wide networks (World-Wide Web, Internet, Usenet, etc.) there have been for some time now the following possibilities for particular groups of men (paedophiles, sadists, traffickers in women, etc.):

- rapid dissemination/exchange of individual data on men's 'sexual' interests (networks, mail boxes, BTX),
- better and more comprehensive security for particular groups of men (e.g. modems and paedophiles),
- concentration and a greater degree of organization of certain men's groups (sadists, trafficking rings, porn fans),
- speedier information transfer for groups of men (e.g. for traffickers in women),
- production of artificial data (pictures and words) of a quality and novelty not previously experienced, and thus,
- a widening of the circle of consumers (Usenet).

The computer as a tool and a medium is responsible for widening the scope of violence against women and children in both time and space (a spiral of violence).

An example: there is information that 'live pornography' films were made of mass torture in the former Yugoslavia. You now know that with digitization, videos can be made into interactive CD-ROMs. Parts of these 'current affairs' pictures can also be stored in the networks. This is a horrific concept for 'normal' people, but bear in mind that we don't explode in horror at the fact that there are snuff videos of children and a real market for snuff videos, but treat people who draw attention to this problem as though they were soft in the head (this has happened to me). If we think about this, there is only one answer: instead of reacting with horror, we should be willing to look at the problem. For me, facing up to the problem is what counts.

In addition, we have a particular responsibility in Europe, as here it is easier, and therefore preferable, to produce hard-core and snuff videos with children from the so-called Third World. I should therefore greatly welcome it if this problem could be tackled at European level.

What should be done?

- face up to the problem!
- a combined system at national level: assistance, prevention (youth work) and penalties;
- increasing public awareness;
- guidelines, e.g. to universities, to make it clear that this kind of violence is undesirable and despicable;
- extending legislation (USA preamble!) to cover pornography, data protection and software producers in the area of computers themselves;
- companies, schools;
- campaigns;
- support for organizations and experts working in the area (financial support, etc.);
- research into the current situation and its implications (cf Diss);
- sections in every country (TDF-model): one section within the EWL to coordinate.

Mrs Van Dijk (V, NL): said that everyone in Europe now was trying to communicate and get in contact with each other by Internet, E-mail, etc. We were confronting an instrument with controversial aspects. The image of the future, or perhaps even of the present, sketched by Mrs Gerstendörfer was likely to provoke a great deal of reaction.

11. Mrs Marjann Wijers, representing Stichting Tegen Vrouwenhandel, an association founded in 1987 in the Netherlands to work against trafficking in women:

'When STV started, in most cases victims of trafficking in Holland were just deported as illegal aliens without any further investigation. As a consequence, there were hardly any women who pressed charges, hardly any court cases or convictions of traffickers. Therefore the first campaigns undertaken by STV aimed at refining the instruments for addressing trafficking in women at the level of legislation and litigation.

- The first aim was to obtain a ruling under the Alien Law to prevent migrant women who may have become victims of trafficking from being evicted before

investigations had been done. This resulted in a special paragraph in the Dutch Alien Code. This paragraph states that at the least suspicion of trafficking, a woman will be allowed three months' time to consider pressing charges. When she has done so, she will be allowed to stay in the Netherlands until the whole judicial process has been completed. This is meant to encourage women to indeed press charges, and to allow women to recover and to consider their options for the future.

- The second aim was to sharpen the legal definition of 'trafficking' to facilitate the prosecution of traffickers. This resulted in a recent amendment of the Penal Code of the Netherlands.

The general strategy of STV combines elements of anti-violence programmes and pro-rights campaigns. Work is done in four main areas:

- * organizing social support and practical assistance for women who have become victims of trafficking (safe shelter, legal aid, money for basic needs, medical services, counselling); this forms an essential element of the programme; the interests and welfare of the women concerned is the basis of advocacy work and political campaigning; to date, STV has assisted approximately 600 women from Asia, the Caribbean, South America and Central and Eastern European countries;
- * advocacy work and campaigning in the fields of legislation and litigation, social policies, migrant women's rights, prostitutes' rights, assistance programmes and strengthening political commitment to combating traffic in women; work in this area takes place at national, European and international level;
- * public relations, documentation and information services, training and educational programmes;
- * European and international networking, aimed at developing long-term strategies to combat trafficking; (in July 1991, a European Network Against Trafficking in Women was initiated, and in November 1993 an international campaign was launched with the principal aim of building up a strong international lobby for a review of the 1949 UN Convention for the Suppression of Traffic in Persons and the Exploitation of the Prostitution of Others; in November last year the Global Alliance Against Trafficking in Women was formed in Chiangmai; a new Convention is one of the points for action. Besides this, there have always been contacts and collaboration with women's organizations in specific countries on concrete issues, as in the case of 'Nena' who pressed charges against her trafficker both in the Netherlands and the Philippines).

In the eight years STV has been working professionally, we have given assistance to more than 700 women. This is just a small fraction of the number of women estimated to have been trafficked to the Netherlands in one way or another. Field-workers, health workers and police estimate this number at between 1000 and 2000 women per year. And the Netherlands are no exception. Maybe trafficking in women is a more visible phenomenon in the Netherlands because we have this policy which allows women to press charges etc. . . . Holland is quite an exception in this policy in Europe though we have to mention Belgium too. But data from NGOs in other countries confirm our figures.

Until recently, traffic in women involved mainly Asian, Latin American and African women. Now, traffickers have tapped into a new market: women from the CEECs (Central and Eastern European Countries). Western European traffickers have expanded their business to CEECs, and criminal organizations from the CEECs are "conquering the European market". "Trafficking in women means big money and little risk", as one Russian put it in a Dutch newspaper article. Data from the NGOs from the Netherlands, Germany and Switzerland show that the traffic in women from the CEECs is controlled by highly organized and extremely violent criminal networks, operating in the sending countries as well as in the receiving countries, and involved in other criminal activities as well, such as the arms trade and drugs smuggling.

One of the obvious reasons for this shift to the CEECs is the breakdown of the national economic and political systems, bringing hardship and confusion to the general populace. Women are particularly vulnerable in such situations, since they are often in the paradoxical situation of being responsible for the family income, while not having access to well paid jobs, nor the same opportunities for legal (labour) migration as men.

The women who come to NGOs for help are only the tip of the iceberg. Most women are too terrified, too threatened and too afraid of any authority, especially the police, to ask for help.

And, sadly, they are right to be afraid of the authorities and they are right to be afraid of the police. Most victims are brought into the country illegally or on false papers. Frequently their passports have been taken away from them. In most countries the fact that they are 'illegal migrants' is considered more important than the fact that they are victims of trafficking. This means that the very moment they contact officials they are confronted with immediate deportation. The chances are that then their families will no longer accept them because they have been working as prostitutes.

Deportation means that there is no further investigation, it means that women are not able to bring their traffickers to court, it means that they are not entitled to any support or help. So, how can States prosecute traffickers, when they are deporting their main witnesses right away? If governments take traffic in women as a serious violation of human rights, at least they should give the women concerned the opportunity to take legal action against their traffickers and to receive support to rebuild their lives.

Trafficking in women is not limited to the world of prostitution although most attention is focused on this form. In recent years, new manifestations of trafficking have become visible, like the trade in domestic workers and the trade in women as so-called mail-order brides. All those manifestations have in common that women end up in the same abusive and exploitative conditions, robbed of fundamental human rights such as the right to freedom and the right to physical and psychological integrity. Also it is clear that not all prostitution is trafficking.

Looking at trafficking from the perspective of the majority of the women we are concerned with, it is clear that most women enter Western Europe seeking a better way of life abroad. They should be seen as labour migrants. An interesting report on this issue has been published recently by the IOM and includes statistics on the exploitation of trafficked women.

Migration is a survival strategy as old as the world, for men and women. The growing gap between rich and poor countries and the breakdown of national economic and political systems of countries in transition bring hardship and confusion to the whole population, but women are particularly vulnerable in such situations. They are often in the paradoxical situation of being responsible for the family income, while not having access to well paid jobs nor the same opportunities for legal labour migration as men. As a consequence the number of women migrating is increasing dramatically. Nearly half of migrants world-wide are women nowadays, although in official policies, women are still almost exclusively seen as dependents of male labour migrants.

Migration implies a certain initiative to try to change one's own or one's family's situation. Women who become victims of trafficking can certainly not be classified as passive victims; most of them are ambitious young women eager to make something of their life and willing to work hard and to take risks to realize their dreams.

But look at the labour market, women have few opportunities of getting work in the formal labour sectors, either in their home countries or in the more developed countries. They are to a great extent dependent on work in the informal and unregulated sectors, like domestic work, small trade, entertainment, prostitution - work without rights and without protection and partly not even recognized as work, like prostitution.

This labour division is also reflected in migration patterns. There are few legal and independent ways for women to migrate within this informal labour sector. Owing to the nature of the work and the forms of migration open to them, they are forced to make use of the services of dubious organizations and middlemen. This places migrating women in an extremely vulnerable situation, liable to misuse by procurers, employment agencies, artists' agencies, marriage agencies and all other kinds of middlemen, whether in the beginning, somewhere in the middle or at the end of the process.

Employment agencies, entertainment agencies, procurers for prostitution and other middlemen operate in the countries of origin without effective control. They misuse women's vulnerable situation and their wish to migrate.

On the side of the receiving countries, there are more restrictive immigration laws for women who attempt to migrate. Since there are practically no possibilities for poor, unskilled women to travel independently and to work legally in these countries, they are almost totally dependent on recruiting agencies and brokers, and thus in imminent danger of falling victim to criminal networks. In fact, you could say that restrictive immigration laws are actually in favour of traffickers, who will always find ways to circumvent laws, while at the same time it increases the dependence on third parties of women who want to migrate, and thus favours criminal networks.

The overall picture is that trafficked women are above all undesired aliens. Being a victim of sexual violence and exploitation is subordinate or even irrelevant in the current policies on aliens of the European countries. In this situation it is almost impossible for migrant women to ask for protection if exploitation, violence and forced prostitution occur.

. . . "To combat trafficking and to protect and support the women concerned, measures should be taken at the national and international level."

HUMAN RIGHTS= WOMEN'S RIGHTS?

In the preparatory process for Beijing, NGOs from all over the world met to discuss the issue of trafficking. They discussed strategies and elaborated recommendations. It was noted by the NGOs that the existing international instruments have proved to be fairly inadequate and that it is necessary to review the available instruments and to develop new ones.

The existing Convention on the trafficking in persons and on the exploitation of the prostitution of others (1949), has proved to be ineffective, considering the fact that trafficking in women is flourishing in all regions of the world and is taking new forms and also considering the fact that since then its adoption has been ratified only by 60 States. It lacks supervisory mechanisms and does not deal with contemporary forms of trafficking such as the trade in domestic workers and so-called mail-order brides. Moreover, it does not make a clear distinction between child prostitution, forced prostitution and consenting prostitution.

The 1949 Convention calls for decriminalization of prostitutes, but at the same time it considers them exclusively as victims, negating women's individual rights and choices, and denying women the status of subjects capable of assuming individual agency and responsibility.

In practice, decriminalizing prostitutes while at the same time maintaining the illegality of organizing their work continues to isolate and victimize prostitutes while leaving the really exploitative sectors of the sex industry untouched and beyond the controls of the law. Any measure, including a revised or a new convention, should be based on respect for human rights, especially the right of all persons to self-determination and control over their own body and their own life.

A clear distinction should be made between forced or consenting prostitution and trafficking, and child prostitution should be addressed separately since it needs different strategies from trafficking. Also it should be clear that not all trafficking involves prostitution and not all prostitution is a result of trafficking.

A new convention should be based on a broad definition of trafficking, including new manifestations such as the trade in domestic workers and in entertainers and in mail-order brides. In all these situations, it is equally possible that women end up working or living in slave-like circumstances.

These practices, constituting the crime of trafficking, include the following elements: keeping a person in unlawful dependence; coercion, including the use of misrepresentation amounting to deceit, debt bondage, (emotional) blackmail, violation of physical and sexual integrity; bodily violence and threat of violence; the transport of (an)other person(s) both within countries and across national boundaries, for financial gain.

One of the recommendations of the NGOs also said that more measures need to be taken to address the root causes of trafficking in women: poverty and powerlessness. Support systems and assistance for women in taking legal action are essential elements in any programme to combat trafficking. Women should be allowed at least a temporary residence permit to be able to press charges and to regain control over their lives. And if women cannot return to their home country for fear of reprisals either from the traffickers or from their family, they should be entitled to stay in the country they were trafficked to.

If we talk about trafficking, we always talk about the prosecution of traffickers and it is important that the police are active, that the police cooperate on the national and international level for the prosecution of traffickers. But with respect to prosecution of traffickers, we should be very careful that the rights of the victims are guaranteed. The experience of the NGOs shows that repressive measures carry the risk of being used against women. If women, for instance, report the case to the police without being entitled to protection against reprisals, it might endanger them. To combat trafficking in women, the police must be skilled not only in dealing with organized crime but also in dealing with victims of sexual violence. So special training programmes for the police are very necessary.

An essential condition for every measure is also that it is taken in cooperation with NGOs working in direct contact with the women concerned to ensure that the interests of the women are adequately represented.

In general, States are very prone to adopt repressive measures to combat trafficking. For example:

- more restrictive immigration policies: "if we prevent foreign women travelling, leaving or entering the country, they can't become victims";
- more severe penalties: "if we make the punishments heavy enough, people will be deterred";
- stronger and more effective prosecution: "if we catch them more effectively, they won't get a chance".

But unfortunately, especially repressive strategies have a strong tendency to end up working against women instead of in favour of women, for example by restricting women's freedom of movement or by using women as witnesses for combating organized crime in the interest of the State, without allowing them the corresponding protection.

At the same time, these repressive measures are the most attractive for States. They fit in very nicely with their own interests and supply them with an attractive set of arguments: we close barriers and raid illegal prostitutes in order to combat trafficking - a noble intention that nobody would dare to contradict.

We would like to emphasize that prevention of trafficking can only be successful when women obtain support leading to genuine empowerment. When our rights - as women, as wives, as migrants and as workers in every sector - are guaranteed.'

12. Mrs Livia POMODORO, Italian, is Secretary and Permanent Coordinator of the operating committee and working groups of the International Scientific and Professional Advisory Council of the United Nations' Crime Protection and Criminal Justice Programme; in particular she coordinates two working groups: Rights of the Child, including juvenile justice, and Female Offenders.

'A desolate image emerges from the previous speeches: it is very clear that despite the numerous efforts made by some countries against violence to women, the situation is even worse than in the past because of new forms of violence, computers, increasingly violent treatment of women which is becoming more widespread, not only in the Asian countries which have traditionally been a source of this problem, but also in Eastern Europe, former Yugoslavia, Albania, etc.

The situation is even more complex in view of the fact that in Western countries, the growth of women's rights brings with it many contradictions, as it often has

an adverse effect on family and social life, employment and education. The Universal Declaration of Human Rights has therefore become a form of verbal protection which has not been put into practice either for men or women. Now, fortunately, researchers are paying as much attention to sexual violence within the family as outside it, such research into private life being not without risk, incidentally, but also enabling more insidious and subtle forms of violence within the family unit to be observed: psychological abuse, dependence, etc.

I have 30 years' experience in this area as I work in an environment which has certain advantages: the juvenile court in Milan, a city with seven million inhabitants.

Violence within the family is born as much from a patriarchal system governing the relative power of men and women as from the power structure within the family. What are the signs of this dual alienation? The fact, for example, that more women are going out to work, but less than the proportion of women in society. Even liberated women face a society which is organized to give them less free time. It is no coincidence that the number of single women is rising exponentially.

At work, women do more than their share of repetitive tasks. At the other extreme, a few women have very high-ranking positions; the middle section is completely missing. Our single issue: solidarity and education.

Women face solitude in their everyday lives. When sexual violence occurs, it is well known that one of the important steps is to help the victim to rebuild her life. In Italy, a proposed law on sexual violence provides for emotional and psychological help to minors throughout the procedure.'

Mrs Pomodoro concluded with the following remarks:

- '1. The purpose of laws to protect victims of violence and of legal procedures should be clear and explicit; those responsible for investigations, magistrates who deal with this type of case and the police should be highly trained in this area.
2. Pressure on women with regard to population size should be avoided.'

Mrs Van Dijk (V, NL), chairwoman of the Committee on Women's Rights, remarked that Mrs Pomodoro's approach to the topic was very different from that of the previous speakers. She had been impressed by the amount of time the Commissioner, Mrs Gradin, who had just left the room, had spent listening to the Hearing. Mrs Gradin had promised to stay in contact with Mrs Van Dijk to see what action could be taken in this area.

V. DISCUSSION AND CONCLUSION

Mrs Gröner (PSE, DE) noted that the contributions to the Hearing had shown clearly that women had a different role to play but that in this world created by men and for men, they still played the role of victim. We would have to overcome this and allow women to speak out.

Beijing would provide a major opportunity, at the Forum rather than the Intergovernmental Conference, which would essentially be devoted to defending the positions of certain governments. Although many women had worked on this and tried to draw up a text, the influence of conservative governments was very apparent.

Action would have to be taken to ensure that in the end it was women who took charge of their own lives and defended their own interests. In the European Parliament, 30% of us were women and were in a quite different position as we were able to tackle many new topics. This was true also of the Commission as now 25% of the Commissioners were women. In the Council, however, nothing had changed.

This would also be a problem in Beijing: the Council of Ministers would not give women enough opportunity to speak; action should be taken to combat precisely that. Women would have to distance themselves from the role of victim and take charge of their own lives. They should also show solidarity with women who did not have the opportunity to do this. The European delegation should make sure that emphasis was placed on this violation of human rights.

Mrs Jouppila (PPE, FI) said that the two days of this Hearing had made it possible to form a very complete image of the variety of forms which violence could take. She was frightened by what she had heard. What could be done to help? The situation was desperate. There were only three men in the room, these discussions took place between women, men did not participate.

It was true that the Commission had changed to a certain extent but this was not yet so for the Council of Ministers. We would have to do everything possible to ensure that men as well participated in conferences of this sort.

Mrs Bennasar Tous (PPE, ES) expressed her feelings of sadness and powerlessness at what she had heard. On one side there was fear and lack of freedom, and on the other, freedom and solitude. If we fought for women to be given responsible jobs, would we really have to accept solitude as the price to be paid in the end?

Mrs Van Dijk (V, NL) also thought that a way should be found for male MPs to become more involved. Perhaps through the Internet?

Mrs Gerstendörfer (Terre des Femmes Association) replied to questions.

On pornography:

She had tried to ensure that the Action Platform for Beijing tackled the question of computer pornography and its dangers.

On power:

It was important for women not to remain in the role of victims. A network of female data-processors and women with responsible positions in the media had been set up, but there was insufficient time or money to really tackle the problem. It was certainly possible to create a network through the Internet. There was a tremendous amount of work to be done, we had only taken the first step. Ways would have to be found to penalize firms producing computer programs, and forms of assistance and preventive measures should be sought.

As for solitude, she said that they too as data-processors were very isolated. From morning to night they faced violence. It was a consolation to see that MPs were prepared to support them.

With regard to participation by men:

Violence against women was male violence. Action should be taken with regard to the education of boys, which was still based on patriarchal systems, and to encourage new role models.

Mrs Van Dijk (V, NL) thought it would be very regrettable to use legislation to censor the Internet network.

Under discussion in the United States at the time was a law defining a kind of 'highway code' with penalties for those who did not respect certain limits, including decency. The question should be asked first what was meant by decency, the definition varied according to one's attitude. This law would mean that somebody in Europe who indulged in communications on the Internet which were considered indecent in the USA would be judged guilty and penalized in the USA. It would be extremely difficult to impose a penalty in such a case.

Mrs Van Dijk wondered whether what occurred on the Internet - which, as she pointed out, was an inexhaustible databank and a formidable communications tool - was very much more serious than what occurred in Frankfurt, Bremen, Amsterdam, Hamburg or Warsaw. She doubted it. It was true that young teenagers who knew their way around the 'on line' universe could, for example, carry on pornographic conversations. But could it be said that it was particularly dangerous for these young people because this possibility was available on the Internet, which would give them easier access to it? She feared that imaginary dangers were being invented.

She admitted to having been disturbed several times by inappropriate or even violent words or images, but it had not been difficult to ensure that such people were excluded from the Forum. There were therefore ways of avoiding certain intrusions which we considered unwelcome.

Should the Internet be banned because of this? Should the police patrol the network to prevent it? Already there was a need to fight pornography, child prostitution and violence towards women; was it really possible to claim that what was done by computer risked causing still further harm to women and children?

Mrs Van Dijk also asked the experts what it was possible to do at European level, while respecting the principle of subsidiarity which was often invoked in questions concerning women. If the problem of the treatment of women had to be tackled at European level, this was perhaps not the case for other questions which had been raised, such as sexual violence for example. In any case, if the experts had specific expectations, they could say so.

Mrs Gerstendörfer noted a general tendency to play down anything concerned with violence against women. It was important to be on one's guard, however, particularly in the area which she had chosen to show us. The pictures shown on the overhead projector had not been particularly shocking, she had not wished to shock as she considered it desirable to keep a cool head. She had therefore intentionally not shown everything she knew about.

With Mrs Van Dijk, she appreciated the many possibilities opened up by computers. But some information sites should be taken very seriously, such as those for neo-Nazi militants and paedophiles, which if expelled from one country would always find refuge elsewhere.

In a few years, the Usenet had disseminated a large number of pornographic images at great expense. We were all contributing financially to this, even without wanting to! The European Court of Auditors could look into it and try to discover the amount of money - which would be millions at least - which was thus devoted to men's 'pleasure'.

There was also what could be called 'psychological terror' on the network as in the United States where there were real threats, rapes etc. Paedophile networks exchanged experiences or fantasies, which could lead to unhealthy tendencies among some people even in their own families. There were also stories of sexual torture or what was still called 'bondage'.

There was a great danger that some perverted activities such as paedophilia and trade in sex would increase, but the main danger was allowing them to take place with impunity. And CD-ROMs should not be underestimated. There too, a simple example had been given of what could be created. But it was important to be aware that people filmed women being raped and that it was not difficult to make this into a game on CD-ROM. There were also snuff videos showing a hooded man sexually torturing a child, culminating in the murder of the child. It would have been possible to show all that, but Mrs Gerstendörfer repeated that she had not wished to. It was a question of ethics.

Although what Mrs Gerstendörfer had said was extremely worrying, Mrs Pomodoro did not think these problems could be solved by reducing the area of freedom. Without knowing the details of the American legislation which Mrs Van Dijk had mentioned, she thought one should be wary of a law which sought to define what was decent. In this respect it should be remembered that one of the reasons for the decline in women's rights was bound up with the precise fact that violence against women was considered as an infringement of morality rather than of human rights. This was happening not only in Italy but in other countries as well.

The actions quoted by Mrs Gerstendörfer were crimes and carried legal penalties. In addition, any violence against a child which was then broadcast by whatever means constituted a crime in every legal system without exception. The act itself of broadcasting violent images should also be able to be considered a crime. Preventive solutions were too general and too dangerous as well because they tended to reduce the area of freedom which was already very much reduced, and tended to reinforce violent situations.

Mrs Wijers considered that at European level the problem first had to be made visible and highlighted in the various countries. The degree of visibility of trafficking in women depended very much on the policy of the country in question; the problem was given a high profile in the Netherlands, and was therefore well known. This did not necessarily signify that it was more widespread there than in other countries.

If the phenomenon was to be visible it was essential that the victims were able to bring cases to the courts, give evidence and be protected, particularly as now organized crime was increasingly involved. Women had to be guaranteed protection against any retaliation. They had to be given all the support they might need, which implied that these women had to be given a provisional residence permit if they were to be able to give evidence and if afterwards it was no longer possible for them to return to their own country, they had to be able to stay in the country.

Several NGOs were trying to persuade their governments of the importance of these first steps. NGOs played a particularly important role in Austria, for example, and they should be supported, the experience they gained should be put to good use and the voices of the women involved should be heard. Finally, at European level, an effective system of pursuing criminals and protecting victims should be organized.

Mrs Pohjonen (University of Helsinki Faculty of Law) emphasized the importance of research in this area. Parliament should support this type of research, financial resources should be devoted to it.

Mrs Olafsdottir emphasized the importance of this Hearing and the amount of new information it had provided on new dangers with regard to violence. Two questions remained:

1. What was the reason for this violence? There should be more research in this area, as suggested by Mrs Pohjonen. It was a question of male sexuality, it should be possible to discuss it with men.
2. How could violence be overcome? When it was time to take action, men were in charge as they were in positions of power. There should be more women in decision-making positions.

Changing power structures would probably entail a change in public and private life. Women would have a key role to play in changing working conditions, family relationships etc.

There was a very worrying current trend: participation by women in public life and political institutions was falling throughout Europe (including Eastern Europe), as from 16% in 1985 the figure had dropped to 11%. Perhaps this was one of the reasons for the increase in violence.

Mrs Sornosa Martinez (GUE, ES) considered that the first-hand accounts we had heard at this Hearing supported the idea that our parliamentary work should be based on solidarity, particularly with regard to immigration and asylum.

We would have to work on legislation. We would have to raise the awareness of our male colleagues. We would also have to reject the negative images conveyed by the media, such as a Spanish newspaper which devoted two out of 23 news items to women: one concerned with the rape of a young girl and the other the murder of a sleeping husband!

Mrs Ghilardotti (PSE, IT) pointed out that as Parliament, and as its Committee on Women's Rights, we would be engaged in various meetings: the fourth Action Programme, budget discussions, etc. We would have to use these meetings to propose more assertive action with regard to training, education and directives to ensure that legislation on prevention and penalties was not only better known but also more effective. We should also be aware that the problems of violence towards women were much more acute in the less developed countries than in the so-called developed countries.

Mrs Mulfinger, representing the Commission (DG V, Equal Opportunities Unit) thanked the Committee on Women's Rights for organizing the Hearing, for two main reasons.

The topic of the Hearing was concerned with the essential concept of the value of the individual, and in the Judaeo-Christian tradition upheld by European integration, this was not without importance.

Moreover, without facts, expert knowledge and first-hand accounts, no action would be possible; for this reason the reports by the experts who had contributed to our knowledge of the facts and given their opinions were extremely interesting and the first-hand accounts from our sisters in Tibet, Algeria and Rwanda, who had spoken with such courage, were extremely important.

It was important that they knew it had not been in vain!

As had already been pointed out, the Commission had clearly made real progress in this area. In this respect there were some clear signals: not only the presence of Mrs Gradin but her genuine interest and the action she would initiate through her very attentive listening, through research into legislation and action taken by other Commissioners, not forgetting the Commission Presidency's awareness of this subject.

Mr Santer had sent an internal letter to all the directorates-general in the Institution on the problem of racism. He had set up an 'inter-service racism group' of which Mrs Mulfinger was a member and which asked each directorate-general to explain what action it was taking on this problem: rather than isolating problems, they should be seen in their wider context in order to understand the causes and to find out whether, for example, town planning policy affected racism which in turn affected violence, etc. It was particularly important to mention this multi-disciplinary and integrated approach in the Commission.

With regard to the information society, following the 'Women and the Media' conference in Toronto, the Commission had turned its attention to the problem of computer games. The information which had been presented here on this problem would be forwarded to a reflection group on the information society in which DG V A3 had involved also experts from third countries, having suggested names of women from the Maghreb and the South, as these problems would extend beyond our frontiers; the image of women we conveyed and the shortcomings of the information society would have particular repercussions in the South, where countries had even fewer resources and did not have the technical facilities to react or even join in the discussion.

Mrs Mulfinger also said that at the beginning of July a seminar on the proposed unit would be held at the Commission, attended by experts, sociologists and psychologists from the world of economics and politics. This would be a multi-disciplinary seminar to reflect on the topic of 'Women's contribution to society'. These experts should be made aware of the issues which had been aired at the Hearing so that there would be a thorough analysis of the way in which women's contribution to society was perceived by both women and men.

In conclusion, Mrs Mulfinger repeated that this kind of initiative was not useless as action resulted from this work and from first-hand accounts!

Mrs Crawley (PSE, EN) wondered what Parliament could do. She proposed the following action.

1. The 1987 parliamentary report by Hedy D'Ancona on violence should be updated. Violence had changed and been modernized, become more technical and was difficult to control.
2. It seemed that there was a possibility of a directive on trafficking in human beings thanks to Mrs Gradin's interest in the subject. We should ally ourselves to this initiative as our competence in this area could be established.
3. It was vital to consider further the question of women and power. It seemed that women had less time and less opportunity to develop an interest in politics. This emerged from opinion polls in the EU. Most women had no idea what was meant by terms such as Maastricht and the European Union - was this because, unlike men, they dared to admit their ignorance? That was probably

not the only reason. There must be a serious attempt to make work compatible with family life.

4. We should participate in the report on the information society, and possibly hold a public hearing on it. The contradiction between freedom of expression and censorship was problematic but at all events the commercial aspect should never be underestimated. We were witnessing an organized attack on women by means of various new technologies.
5. As for the Internet, apart from any moral consideration, we ought to know who was on it, who had access, what were the means of controlling it, and who were the female users as it was known that only one in seven users was female. There could be a public hearing on this too.

Mrs Glase (PPE, DE) agreed with Mrs Crawley. Until recently, she had lived in a system where she was told what to read, what to think, what to buy and how to behave. She understood very well the need to defend freedom of expression vigorously. But we had to set ethical limits, backed up by legislation. With regard to violence, we should give priority to training for police and other personnel involved in judicial procedures, victim support and counselling. What concrete action could be taken?

Mrs Van Dijk supported the idea of devoting a public hearing to the Internet and women.

Mrs Helferlich, representing the European Women's Lobby, said that, on the subject of concrete action, the European Women's Lobby had for the past two years been advocating a European observatory on violence because there was no research at European level giving details of forms of violence against women and it was not possible to make comparisons as different indicators were used and methods of analysis were different. We were unable to gain an idea of what kind of violence and what kind of repressive or educational measures should be taken. Only on the basis of specific instruments would we be able to define what could be done at both national and Community level.

The observatory could also provide a testing ground for a partnership in which a woman and man from each Member State would study the two faces of violence. This could take place within the framework of the Fourth Action Programme. It should also be borne in mind that the Council of Europe had done an enormous amount of work on these issues. The NGOs had always highlighted the issue of violence. Now that the Institutions had become aware of the problem, we should build bridges to enable us to work together.

Mrs Mulfinger pointed out that the Fourth Action Programme included a point on the dignity of women not only at work but in their environment. This provided a basis for instruments to tackle violence.

o o o

Mrs Van Dijk summed up with the following conclusions.

- '1. Violence against women, pornography, traffic in women, these issues have finally reached the agenda of the European Union, largely because we have some exceptional female Commissioners. This has brought us to a situation where we can take action.

2. With regard to information technology, it is not enough to claim freedom as the great panacea, there should be penalties for what would normally be penalized in society; it should also be possible to rapidly identify the people pushing the buttons. This is the most important factor. What can be called the anarchic proliferation of networks currently makes any identification impossible. This does not mean that we should sweep everything away, but we should concentrate on what would not normally be tolerated by society. We should certainly devote further thought to the question, as we have only scratched the surface of it, and organize a public hearing on it, taking advantage of the fact that these networks are only just beginning to evolve. This will also enable us to ensure that women are not excluded from the debate. If we do not play our part in this debate, we should not complain after the event that we have been excluded!'

A N N E X E S



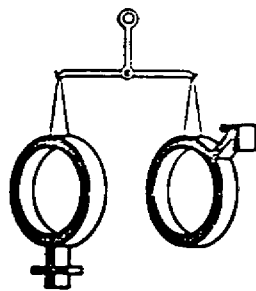
**3rd European Ministerial Conference
on equality between women and men**

(Rome, 21-22 October 1993)

**Strategies for the elimination
of violence against women
in society:
the media and other means**

Declarations and Resolutions

**3rd European Ministerial Conference
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**Strategies for the elimination
of violence against women
in society:
the media and other means**

Declarations and Resolutions

DECLARATION ON POLICIES FOR COMBATING VIOLENCE AGAINST WOMEN IN A DEMOCRATIC EUROPE

1. The Ministers of the States participating in the ^{Thi}3rd European Ministerial Conference on equality between women and men (Rome, 21-22 October 1993);
2. **Recalling** that the principles of pluralist democracy, the rule of law and respect for human rights - which are the guiding principles of the Council of Europe - constitute the basis for their co-operation;
3. **Recalling** the commitments entered into by the member States of the Council of Europe under the European Convention on Human Rights and in the Declaration on equality of women and men of 16 November 1988;
4. **Affirming** that the effective enjoyment of fundamental rights and freedoms by women on an equal footing with men is an essential principle of democratic societies;
5. **Taking into consideration** physical, sexual and psychological violence carried out by men against young or adult women, in the family, at the place of work, or in society, inter alia, battering, genital and sexual mutilation, incest, sexual harassment, sexual abuse, traffic in women and rape;
6. **Affirming** that such violence against women constitutes an infringement of the right to life, security, liberty, dignity, and integrity of the victim and, consequently, a hindrance to the functioning of a democratic society, based on the rule of law;
7. **Denouncing** the practice of rape during armed conflicts, in particular when rape is used as a strategy of warfare, as a particularly serious violation of human rights and a grave breach of international humanitarian law;
8. **Recalling** in this context the United Nations Programme for the prevention of crime and penal justice, the Nairobi forward-looking strategies for the advancement of women and the United Nations' Draft Declaration on the Elimination of Violence against Women;
9. **Recalling** also the Document of the Moscow meeting of the Conference on the human dimension of the CSCE (1991); the Final Solemn Declaration of the first Ministerial Conference on physical and sexual violence towards women (Brussels, March 1991); the Resolutions of the European Parliament on violence towards women (1986) and of the Council of the European Communities concerning the protection of the dignity of women and men at work (1990); the Recommendation and code of practice of the Commission of the European Communities on the protection of the dignity of women and men at work (1991); as well as the Recommendations of the Council of Europe on violence in the family (1985 and 1990) and on the principles relating to the distribution of videocassettes with a violent, brutal and pornographic content (1989);
10. **Noting** with grave concern that violence towards women is a universal phenomenon which is present in all social strata and societies, independent of their level of development, political stability, culture or religion, the scale of which is only now becoming visible;

11. **Noting**, in this context, the emergence of European networks for traffic in women;
12. **Stressing** that such violence, because of its impact not only on the victims, but also on society as a whole, constitutes a major political issue for European countries;
13. **Emphasising** that violence against women, including the refusal of the right to free choice of motherhood, can be seen as a means of controlling women, originating from the unequal power relationship still prevailing between men and women, and is therefore an obstacle to the achievement of genuine equality between women and men;
14. **Considering in this respect that any policy to combat violence against women must therefore constitute an essential element of policies on equality and education in human rights, focusing on attitudes, behaviour and personal responsibility;**
15. **Highlighting** the responsibility of the media in contemporary society vis-a-vis violence directed towards women, as vectors and creators of social concepts, and **stressing** the necessary balance which should prevail in a democratic society between freedom of expression and respect for fundamental human rights;
16. **Stressing** in particular the responsibility of the media with regard to the production, reproduction and distribution of violent, brutal or pornographic products;
17. **Underlining** in this context the positive function the media can assume in refraining from exploitative and sensational media coverage, in bringing to light the problem of violence and the use of rape against women in day to day life or in situations of conflict or tension;
18. **Noting** that the responsibility of States is engaged with regard to acts of violence carried out by public officials and that it may also be engaged with regard to private acts of violence if the State does not take action with sufficient diligence to prevent the violation of rights or investigate acts of violence, to sanction them and provide support for the victims;
19. **Recognising** the important role to be played by the women's movement, NGOs and Governments in placing the problem of violence against women on the political agenda;
20. **Affirming** that the implementation of a comprehensive concerted Plan of Action and the intensification of international co-operation to combat violence against women are a necessary task of the Council of Europe, in order to assume fully its specific mission regarding the protection and promotion of human rights;
21. **Solemnly CONDEMN violence against women, which constitutes a violation of human rights and fundamental freedoms;**
22. **DECIDE TO COMBAT violence against women - wherever it occurs, in the family, at the place of work, or in society, and irrespective of whether or not it is perpetrated or tolerated by public officials - by the urgent implementation of a concerted Plan of Action using political, judicial, administrative, educational, cultural and other means;**

23. **AGREE** that the strategies to be used in this Plan of Action must be developed in close synergy with policies aimed at establishing genuine equality between women and men;

24. **AGREE** furthermore that this Plan of Action shall include a range of concerted measures concerning research, prevention, education, protection against institutionalised or domestic violence, assistance and support for victims, repressive measures, the instigation of criminal proceedings, as well as the criminalisation of acts of violence committed within marriage, an indicative list of which is appended to this Declaration;

25. **DECIDE**, in implementing this Plan, to accord particular attention to those women who are the most defenceless in the face of violence;

26. **AFFIRM** the importance of international co-operation, particularly in the compilation of statistics, the exchange of data and the comparison of experiences;

27. **DECIDE** to intensify their co-operation within the Council of Europe and in other international fora;

28. **RECOMMEND** the Committee of Ministers of the Council of Europe to take all necessary measures for the achievement of the objectives set out in this Declaration, in particular:

- a) the elaboration of a possible Protocol to the European Convention on Human Rights embodying the fundamental right of women and men to equality;
- b) the elaboration and implementation of a concerted Plan of Action to combat violence against women, including the elaboration of appropriate legal instruments;
- c) the encouragement of the member States to take the necessary steps fully to implement the human rights as set forth in the relevant international instruments, so that all forms of violence against women are condemned and sanctioned;
- d) to support the action of non-governmental organisations working towards the same goals;
- e) the promotion of self-regulation within the media;
- f) the reinforcement of the equality policy-making in the framework of the Council of Europe.

Appendix

**Elements for intervention strategies
to be included in a Plan of Action to
combat violence against women .**

I. RESEARCH AND EVALUATION

- a) **Encouragement and support for research into the phenomenon** (particularly the compilation of reliable and up-to-date statistics and data on the scale of the phenomenon, the nature, forms, seriousness and consequences of violence against women, the perpetrators and the phenomenon itself);
- b) **Appraisal**, at a national and European level (multilateral evaluation survey) of the legislation in force, programmes carried out, and measures taken to eliminate violence against women;
- c) Action to **promote dialogue** between the researchers and organisations concerned in the various countries and to facilitate the dissemination of the results of the research.

II. LEGISLATIVE, JUDICIAL AND POLICE ASPECTS

- a) **Criminal, public and private law sanctions** for the various forms of violence against women considered as offences. Violence against women within the family (including rape within marriage) must be dealt with as severely as violence outside the family;
- b) Recognition in national legislation of the **psychological and social needs of the victim**, and the study of the **most effective measures of redress**, in particular alternatives to prosecution and imprisonment for the authors of violence;
- c) **Continual up-dating of national legislation** in line with stricter norms adopted at an international level.
- d) Possibility of **free legal aid** for the victim;
- e) Adequate treatment of cases of violence against women by the **police** (reception by women police officers) and assistance for the victims : compulsory registration of the complaint, positive attitude towards the victim, giving the victims information on their rights and the availability of aid; the possibility of rapid and effective intervention (e.g. removing the perpetrator of the violence from the marital home);
- f) **Criminal procedure** which guarantees the protection of the victim's dignity and privacy;

- g) Development of appropriate domestic legal sanctions and intensification of international co-operation between police and judicial authorities with a view to prosecuting and dismantling transnational networks of traffic in women.

III. PREVENTION AND EDUCATION

- a) **Measures to facilitate changing the socio-cultural attitudes and behaviour of men and women and promote awareness of the problems related to violence against women;**
- b) **Public information and awareness campaigns to be carried out by the authorities to gain public backing for measures to combat the phenomenon;**
- c) **Education of young people, adults and the personnel of the public services concerned with the problem of violence against women;**
- d) **Awareness raising among men to encourage them to analyse and dismantle the mechanisms of violence with a view to finding alternative modes of behaviour, particularly in situations of conflict;**
- e) **Awareness raising among women to report acts of violence of which they are victims, so that action can be taken;**
- f) **Training of those who come across the problem of violence against women in the course of their work (civil servants responsible for the application of policy on the matter, doctors, social workers, the police) in methods of detecting cases and preventing repetition;**
- g) **Making the media aware of the role that they can play in prevention (promotion of a positive image of women) and their responsibility in the perpetuation of patterns which generate violence. Encouragement of the establishment of codes of professional conduct;**
- h) **Measures to reinforce public safety, particularly in the context of town planning (installation of telephone boxes, lighting etc);**
- i) **Devising and implementing policies and practices in the public sector, to serve as examples for the private sector, to prevent, to stop and punish violence in the workplace;**
- j) **Parental education programmes as a means of preventing violence;**
- k) **Family mediation as a means of preventing violence.**

IV. ASSISTANCE

- a) Appropriate attention and social economic and psychological assistance from the **authorities** (including local authorities) for women who have been subjected to violence;
- b) **Co-operation and coordination of the various bodies** involved in assistance (judicial authorities, professionals in the medical and social services, police force, support organisations) in order to provide an appropriate response to the varied needs of the victims;
- c) Material support and support under whatever other form from the authorities for the creation and operation of **emergency aid services** (shelters for battered women, support groups) and for voluntary organisations which help the victims and the perpetrators of violence.

**RESOLUTION
ON RAPE AND THE SEXUAL ABUSE OF WOMEN**

1. The Ministers of the States participating in the 3rd European Ministerial Conference on Equality between Women and Men, held in Rome on 21-22 October 1993;
 2. **Considering** that rape and sexual abuse are still today, as in the past, used by men to impose their power and authority over women, and as an instrument of intimidation;
 3. **Recalling** and endorsing the recent declarations and statements of the international community condemning the systematic use of rape of women within the context of a strategy of warfare and ethnic cleansing;
 4. **Considering** that such declarations and statements have contributed towards alerting public opinion to these particularly serious violations of human rights;
 5. **Believing** it is equally important to alert public opinion to the numerous and multifarious individual acts of rape and sexual abuse occurring within society;
 6. **Noting** that, under exceptional conditions, women can be particularly vulnerable, such as in the case of armed conflicts, situations resulting from political and economic deterioration (refugees, migrants, displaced persons, etc) or when they are deprived of their liberty;
 7. **Drawing** attention to the scale and number of individual acts of rape and sexual abuse of women both within and outside the family;
 8. **Considering** it essential to lift the silence which surrounds such acts;
- I **AFFIRM** that rape and the sexual abuse of women:
- a) are always an infringement of the dignity, liberty and integrity of women, having serious social, psychological and other consequences;
 - b) are therefore serious violations of human rights and fundamental freedoms, and, as such, should be sanctioned by national and international penal tribunals;
 - c) when resulting from the abuse of discretionary power by public officials, engage the responsibility of States under international human rights instruments;

II. **APPEAL** to participating States to take steps of a preventive nature to eradicate rape and the sexual abuse of women, to encourage actively women to report cases of rape and sexual abuse and to take vigorous action so that such acts are effectively sanctioned and support is provided for the victims;

III. **RECOMMEND** that members of national and international judicial bodies called on to handle cases of rape and sexual abuse are given specific training and that such bodies should comprise an appropriate number of women;

IV. **AGREE** to intensify their co-operation to that end both within the Council of Europe and other European and international fora.

**STATEMENT
ON THE 4TH WORLD CONFERENCE ON WOMEN
(BEIJING, 4-15 SEPTEMBER 1995)**

The Ministers of States participating in the 3rd European Ministerial Conference on equality between Women and Men, being held in Rome, on 21 and 22 October 1993;

Noting the forthcoming United Nation's 4th World Conference on Women, to be held in Beijing in September 1995;

Noting that the preparatory meeting to the 4th World Conference for the European region, to be organised by the European Economic Commission for Europe of the United Nations, will focus on the main themes of the World Conference: "Actions for Equality, Development and Peace";

Noting that other European meetings in anticipation of the Conference, in particular those of the European Community and the Nordic Council of Ministers will focus principally on issues related to the role of women in the economy and their participation in the labour market;

Emphasising the specific approach of the Council of Europe to the question of equality, based on the idea that equality between women and men is principally a human rights issue and that equality is a requirement for democracy;

Stressing the pioneering work of the Council of Europe in this field and the need to ensure that the human rights dimension of equality between women and men is injected into the work of the World Conference and the final documents thereof;

1. **Urge** the Committee of Ministers of the Council of Europe to take the necessary steps to ensure that the Council of Europe brings a major contribution to the 4th World Conference, and to that end;
2. **Invite** the Committee of Ministers of the Council of Europe to convene a conference in anticipation to the 4th World Conference, focusing on the human rights dimension of equality as well as the question of equality and democracy which are also particularly relevant in the countries in transition in Europe;
3. **Recommend** that this Conference should promote practical and action-oriented strategies to be implemented;
4. **Recommend** that the Parliamentary Assembly and the Standing Conference of Local and Regional Authorities of Europe and non governmental organisations be associated with the Council of Europe's Conference;
5. **Agree** that all relevant non governmental organisations should be involved in the preparation and proceedings of the 4th World Conference.

STATEMENT ON VIOLATIONS OF WOMEN'S RIGHTS ON TERRITORIES OF FORMER YUGOSLAVIA

The Ministers of States participating in the 3rd European Ministerial Conference on Equality between Women and Men, being held in Rome, on 21 and 22 October 1993:

Recalling that, while this Conference is being conducted, a tragic drama is being enacted in territories of former Yugoslavia, where a bloody conflict has led to the annihilation of the values and principles underpinning civil society;

Stressing that women are frequently the first victims of the grave violations of human rights perpetrated in this barbaric conflict;

Emphasising the terrible physical and psychological privations and suffering - due, notably to enforced displacements of the population and internment in camps - which the conflict has engendered for the whole population, in particular women and children;

Recalling with shame and horror that the rape of women is being used systematically by the belligerents on territories of former Yugoslavia, particularly in Bosnia Herzegovina, as a strategy of warfare and ethnic cleansing, and that enforced procreation frequently ensues;

Stressing that such acts constitute the negation of the human being, are a particularly grave violation of Human Rights and fundamental freedoms, are a war crime and should be considered as constituting a crime against humanity;

Recalling and endorsing the recent declarations, recommendations and statements of the Committee of Ministers, of the Parliamentary Assembly of the Council of Europe, and the international community, condemning such acts;

Being unable to remain silent in the face of such abhorrent violations of women's rights;

1. **Vigourously condemn** all violations of Human Rights in territories of former Yugoslavia;
2. **Condemn**, in particular, the physical and psychological privations and exactions of which women are victims;
3. **Condemn** categorically the systematic use of rape of women and enforced procreation in the context of a strategy of warfare and ethnic cleansing as constituting one of the most vile crimes against humanity and the annihilation of the dignity of the human being, be it the victim or the child forceably procreated;
4. **Agree** to co-ordinate their efforts with a view to providing the appropriate moral and material assistance to the victims of these violations of Human Rights;

5. **Urge** that these atrocities cease immediately and that their instigators and perpetrators are prosecuted by an appropriate national or international penal tribunal without delay.

**RESOLUTION EXPRESSING APPRECIATION TO THE
HOST AUTHORITIES**

The Ministers participating in the 3rd European Ministerial Conference on Equality between Women and Men, held in Rome on 21-22 October 1993;

Express their warmest thanks to the Government of Italy for the excellent organisation of this Conference in Rome and for its kind hospitality;

Emphasising the importance of holding regular meetings at Ministerial level to exchange views on developments in the complex area of equality between women and men and to work out any concerted measures which changes may require;

Having learnt with pleasure of the invitation by the Government of Turkey to hold the 4th European Ministerial Conference on Equality between Women and Men in 1996 or 1997,

Gratefully accept this invitation

EUROPEAN PARLIAMENT

COMMITTEE ON WOMEN'S RIGHTS

Notice to members

Members will find attached a paper from Namgyal PHALA of the Tibetan Women's Association, who is a participant in our Public Hearing on Gender-Specific Human Rights Violations, which will take place in Brussels on Monday, 26 June and Tuesday, 27 June 1995.

The Secretariat

DIRECTORATE-GENERAL FOR
COMMITTEES AND DELEGATIONS

Annex

June 1995

P E K I N G 9 5

TIBETAN WOMEN DEMAND

RESPECT FOR THE GENDER-SPECIFIC HUMAN RIGHTS OF WOMEN IN TIBET

Since the 1950s Tibet has been illegally occupied by the People's Republic of China. Since then approximately 1.5 million Tibetans have died owing to the violation of fundamental human rights. They are victims of a deliberate policy of starvation and the torture and mass executions. Human rights violations in Tibet range from the suppression of Buddhism to the economic marginalization of the Tibetan people by Chinese settlers from the destruction of the environment to the killing of children.

FORCED ABORTIONS, COMPULSORY STERILIZATION AND THE KILLING OF CHILDREN

In order to bring about a demographic final solution Chinese policy towards Tibet will baulk at nothing. Tibetan women are forced to have abortions and to undergo sterilization treatment up to the ninth month of pregnancy, even though Tibet is sparsely populated and the supply situation is good. In Tibet some 6 million Tibetans and 7.5 million Chinese settlers live in an area which is 49 times larger than Switzerland. There is no reason to introduce birth control, so Chinese policy seems to be a deliberate attempt to create a new Lebensraum for Chinese settlers. Since 1985 measures to settle Chinese peasants and workers - and, of course, Communist Party functionaries and the militia - in Tibet have been accelerated.

In Tibet restrictive birth control is being imposed by brute force. Dr Blake Kerr, an American physician, visited Tibet for four months in 1987 and collected a total of 92 statements from the women concerned. Two-thirds of these women (68) were sterilized immediately after having an abortion. He collected a further 400 statements during two further visits to Tibet. These include statements by two monks from Amdo (in north-eastern Tibet) about a birth control team which set up a tent near the monastery for two weeks and summoned all the women of the village for a medical examination. They warned that anyone who refused to undergo this examination would be severely punished. All the pregnant women were forced to have an abortion and were sterilized immediately afterwards. This systematic birth control policy is an attempt to strangle the Tibetan people at birth.

The internist Dr Tashi Dolma was able to flee to India with her family in 1990. She has reported about a rigid quota policy. A mother can only have a baby after submitting an application. According to her, this application is only approved if the quota for the relevant district established by the central authorities has not been exceeded. This has now led to a frenzied quota-hunt. quotas.

TIBETAN WOMEN ARE BEING PERSECUTED ON POLITICAL AND RELIGIOUS GROUNDS

Despite the threat of punishments, Tibetan women, and in particular nuns, are constantly involved in peaceful demonstrations calling for the freedom of Tibet. Many such women have either been executed or are languishing in Tibet's women's prisons. In these prisons Tibetan women are raped and sexually abused with electric cattle-prods and wild dogs are let loose on naked nuns. The plight of Tibetan women in Tibet is a tragic one, as is evidenced by various eye witness accounts, the information supplied by the victims of torture and internationally recognized human rights organizations.

'In Lhasa, the capital of Tibet, a number of peaceful demonstrations have taken place, led by Buddhist nuns, in which the participants called for an independent Tibet. In March 1988 four nuns who had been peacefully demonstrating against Chinese rule were arrested and, according to reports, stripped and beaten. Three of them were then abused. Another nun who was arrested in April 1988 spent a total of three months in custody without any charges being brought against her. During her interrogations the police are alleged to have let loose a fighting dog on her. Owing to their participation in demonstrations calling for Tibetan independence, 19 nuns from the Lhasa area are sent to labour camps for 'reeducation' in September and October 1989 on the basis of administrative decisions, i.e. without a trial. Nineteen year old Rinzin Choeny from the Convent of Shansep was arrested in September 1989 on similar charges and condemned by a court to 7 years' imprisonment.'

THE TIBETAN WOMEN'S ORGANIZATION IN EXILE

Tibetan women in exile attach great importance to the fact that gender-specific human rights violations against women in Tibet should be discussed at the 4th World Conference of Women in Peking in 1995. Since the free association of women in the People's Republic of China is forbidden, it is unlikely that Chinese women's delegations will be able to report on the real situation in China and Tibet. We therefore wish to speak on behalf of women living in Tibet, on the basis of investigations by human rights organizations and reports by women victims.

SOLIDARITY AMONG WOMEN

It would be ironic indeed if international women's delegations were to meet in the UN building in Peking to discuss women's questions, without considering the tragic plight of women in the host country. The fact that Peking was the only venue in Asia which offered to host this 4th World Conference, does not mean that this question should be passed over in silence. We are aware that powerful boycott campaigns have been launched. But we should seek to initiate a dialogue, rather than boycott the event. However, discussions are only really fruitful if they are frank and leave room for the expression of the true opinions of the participants and allow a real exchange of views.

HUMAN RIGHTS= WOMEN'S RIGHTS?

As members of the World Community of Women, Tibetan women wish to call on world public opinion for support, especially in putting an end to the restrictive birth control policy practised in Tibet.

If this is to succeed, it is essential that Swiss women too show solidarity. They could support us by calling for the participation of Tibetan women in this Conference.

Rape as a weapon of war in Rwanda:

from silence to recognition

The suffering of the women and children who survived the Rwandan genocide

Mission from 26 December 1994 to 5 January 1995
financed by the Fondation de France
with logistical support from Médecins Sans Frontières

Doctor Catherine Bonnet

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ABOUT THE MISSION

The aim of the mission was to provide training for professionals caring for women who had become pregnant following rape and for children traumatized by war.

The information collected in the following summary was obtained partly from interviews with Government members, religious authorities, health care professionals (doctors and nurses) and representatives of Rwandan and foreign organizations:

Members of the Government

Odette Mourara, Director, Office of the Ministry of Women's Affairs and the Family

Venancia Mukarugomawa, Director of Women's Affairs

Florida Mukarugambura, wife of the Minister of Public Works

Justin Mourara, Director General of the Ministry for Reconstruction

Mary Esperança, Victims' Office at the Ministry for Reconstruction

Doctor Charles Rudakibana, Director, Office of the Ministry of Health

Doctor Maurice Bucagu, Director of the National Population Office

Rwandan Women's Associations

Women's Network for Rural Development

Rwandan Association of Christian Workers, Women's Section (ARCT)

'Allons de l'avant'

Religious Communities

Orphanage of the Gitarama Social Services Office: Father Josaphat Hitimana

Father Blanchard of the Pères Blancs Mission

Father Jean Baptiste Rugengamanzani, Church representative for the Kigali diocese

NGOs

Médecins Sans Frontières at Kigali and Kapgayi

WHO

UNICEF: Specialist team for psychological trauma

African Humanitarian Action

United National Fund for Women Development

RESULTS

The reality of the massive, arbitrary and systematic rape of women and girls on the pretext of 'saving' them from the massacres

A particular feature of the genocide of Rwandan families, particular the Tutsis and the Hutu intelligentsia was that some women were spared from the massacre in order to be raped.

I - Disclosure of rape in secret

Although many victims of the war have been able to admit without risk to themselves or their family that they have been widowed or their husband has disappeared, most of the women who survived the genocide have not yet dared to reveal publicly that they have been raped.

Rape has been and continues to be disclosed in secret and anonymously. It has been and is still mainly revealed to doctors or obstetric or gynaecological services under such circumstances as:

- visible genital infections, the violent cause of which is revealed in confidence;
- attempts to induce abortions after discovery of the pregnancy caused by the rape, as abortion is not yet legal in Rwanda;
- requests for abortions on medical grounds in advanced stages of pregnancy;
- requests for 'counselling' with regard to the child's future, during the last third of pregnancy.

Very often the women refuse to register themselves at the hospital, in order to preserve their anonymity. Many of them, through word-of-mouth information, find a health professional of the same ethnic origin to consult, as there is a general climate of ethnic distrust. For this reason maternity hospital staff of Tutsi origin have seen many more women pregnant as a result of rape than have those of Hutu origin.

The Hutu staff confirm that they are excluded from some consultations which are not registered at the hospital, and which generally take place when their Tutsi colleagues are on duty. They respect the suffering of these women and their need for discretion. Both the Tutsis and Hutus admit that they find it very difficult to talk to each other about this drama which has now taken the form of an obstetrical emergency.

I observed all the health care professionals, whatever their ethnic origin or socio-professional category, acting with considerable dignity and humanity. All of them have been and are still so greatly moved by the distress of these 'war pregnant' women that they give the best possible medical care regardless of their political or religious opinion. Although these clinical situations are novel, most of the maternity hospital staff who are taken into confidence by these women, and particularly by very young adolescents, have been able to act appropriately.

II - Impossibility of obtaining precise figures

Rape has been carried out on a scale which defies the imagination. Several sources suggest that almost every adult woman or post-puberty adolescent who escaped massacre by the militia or army has been raped. As these revelations are made in secret and when the woman is distressed, it is very difficult to give precise figures of the number of women who have been raped. As it seems that no human rights commission has been given the task of carrying out an inquiry into the extent of rape, and no judicial system has been set up to enable women to bring accusations, and as the rapists are at liberty, the women have to remain silent so as not to risk their lives. Estimates can only be made on the basis of pregnancies declared to be the result of rape and births of children as a result of rape and designated as such, but this would necessarily have a stigmatizing effect.

III - The circumstances of rape

Although it is impossible to give a precise figure for the number of women raped during the war, various sources of information obtained in confidence indicate the kind of circumstances in which sexual violence took place. It was systematic and, apparently, programmed in all the regions where the militia deliberately massacred civilians and introduced a reign of terror from 6 April to 12 July 1994.

First-hand accounts indicate that rapes took place over the whole territory during the three months of war, under three main types of circumstance.

°During arrest

Rape was a part of the arbitrary and systematic arrest of families whose names were on the militia's massacre list, either because they were Tutsis, or because they had expressed opinions against the militia's ideology, or because they had an important position in society and hindered the militia. Some women were raped before being killed, others were left alive after witnessing the massacre of their families. They were picked out to be spared the massacre by one of the militiamen or soldiers, who would say 'not you because you're going to be my wife'.

These women were left alive even if they begged to be allowed to die. Some of them were imprisoned in their own house or a neighbouring house by the militiaman who had 'saved' their life, who lived with them and used their body as he pleased. Some of them were hidden during the whole war in the roof-space of a house by these 'saviour rapists', and are euphemistically described as 'roof-wives' or 'militiaman's wives'. The latter term could be ambiguous, as it could lead to the supposition that these victims consented to marry the man. In fact they were reduced to the status of consumer items, one of the possessions taken over by the enemy, who took possession of the woman as well as the house. The terms 'roof-wife' or 'militiaman's wife' should be seen as a way of avoiding the use of the word rape to lessen the humiliation felt by a very large number of the victims.

°Rape of refugees

Others were systematically raped by militiamen and soldiers during the exodus of the civilian population. These rapes were considered at the time as one of the forms of ill-treatment which it was normal to inflict on women. If they refused to comply they were threatened that they would be mutilated or their

children killed. These rapes were accompanied by other sexual humiliations which have also remained secret. They were forced by threats to undress, then their nudity was mocked and their private parts cut with machetes. Manipulation of women's bodies as objects conquered by the warriors was carried to extremes beyond the most perverse fantasies.

°Rape of women regarded as 'spoils of war'

Other women were carried off like objects from the houses which were thoroughly ransacked before being destroyed. They were regarded as booty for the conquerors, as women put at the soldiers' disposal. Some were kept at the military headquarters during the war, as a kind of prostitution service for the soldiers in their free time. Others were taken to deportation camps abroad (Zaire, Tanzania, Burundi, etc.). These rapes are still going on.

Rapes were carried out either by gangs, mostly in the towns where the families lived, or in the quarters of the soldiers who kept young women for their sexual needs; or by individuals, mostly during the fighting or the exodus from the country. Some rapes were delayed murders, as they were carried out by militiamen or soldiers with AIDS. It seems their intention was that the women should die eventually and would meanwhile be dangerous to their husbands and/or to spread the AIDS epidemic. Some women were raped before or after witnessing the massacre of their children, parents or husband, others were sadistically killed after being raped. Some were split open with knives from pubis to sternum and others were cut in two from behind with axes. Others were raped immediately after giving birth in hospital, which caused their death through infection. In some places the militiamen were in the grip of such sexual frenzy that they even raped women's corpses.

Some women committed suicide to escape this fate. Those who survived often contemplate suicide and feel guilty for having in some way chosen to submit to rape rather than commit suicide. The women in fact suffer abominable mental torture, as if they had been obliged to choose rape in order to survive or to commit suicide in order to uphold the family honour.

V - The Rapists

Some facts are known about the rapists. They were either neighbours, persuaded by their party's ideology to take up arms; or strangers, often peasants manipulated by militiamen. The latter did not always rape the women from their own area, but more often those from neighbouring areas.

The 'gang' rapists were organized in groups of six to eight to massacre families whose names were on a list and rape the women, before or after the massacre. Those who raped in gangs seemed to be drugged with cannabis, which put them in a state of great physical and sexual excitement. They seemed to be afraid of nothing and be capable of the worst atrocities, including raping women who had just given birth and raping corpses. Usually there was a group of leaders who encouraged the others. Some well-known women also encouraged the men to kill and rape.

VI - The immediate consequences of rape: 'war pregnancies' and 'children of violence'

The victims not only suffered the act itself, but the repeated and prolonged nature of some rapes had disastrous consequences: pregnancies and contamination by the AIDS virus.

'War pregnancies', as they are euphemistically termed by health care professionals, have been estimated by the National Population Office at between 2000 and 5000. The hospitals at Kigali and Kapgayi have indicated that since September, more than half the pregnant women arriving for consultations are pregnant following rape: between six and seven women out of 10 every day.

It is too early to say what will become of these pregnancies. There has been a large increase in the number of miscarriages in recent months. Some women induced them and came to hospital complaining of a 'difficult miscarriage'. Others were able to have an abortion performed by medical staff, with Government agreement, despite prohibition by the Church. The Church has such power over the general population and the country's elite that the current Government hesitates to legalize abortion, although health care professionals are unanimous in calling for such a law.

Some pregnancies have been discovered late, most of the women seemingly wanting to deny them and keep them secret. So far no plans have been made for the time of birth.

The psychopathology of pregnancies following rape in Rwanda is the same as that observed in France and former Yugoslavia. These are pregnancies which are disguised and not admitted, often denied and discovered late. They are accompanied by attempts to induce miscarriages or violent fantasies, or infanticide of the child. Suicide is frequently contemplated. Some women have probably committed suicide without revealing the reason, on discovering that they were pregnant by their rapist-executioner. The child is often violently rejected at birth, as the child is identified with the rapist or the rape. The women say 'stop this pregnancy for me, take the child away, I don't want it.' 'I don't want to keep a criminal in my womb.' 'If I give birth, let him die.' I have heard the same words in France and in former Yugoslavia.

Those who work in maternity hospitals are currently very concerned at the risk of violence to newborns at birth. They fear that many women give birth alone and in secret and get rid of the child, disguising the infanticide. They guess that even if some give birth in hospital to safeguard their own lives, they will stop feeding the child when they go home and let it die.

Conflict between two schools of thought

There are those who think it is almost normal to let the child of a criminal die. They would almost be in favour of disguised infanticide or abandonment in the wild. They think the mother should have the right to do away with the child at birth, being the child of a militiaman. They accept the reality of the pregnant women's violent fantasies and shut their eyes to the risks that they will carry them out. They neglect the need to protect the child's life and are mentally prepared to break the law. These people are mostly in direct contact with distressed women.

Others are convinced that the child brings life because it is the child of God, a test sent from Heaven. They think that prayer will help every woman to find the strength to love a child even if it was conceived in violence. They

consider that social pressure and other people's negative attitude to rape are unhelpful to these women. The solution is to change attitudes in the women's families and society, so that everyone will accept these victim children. They deny the reality of violence and the individual's subconscious feelings. Although many of them have never met pregnant women and maintain this position 'theoretically', some have listened to women who it seems have not dared to express clearly their ambivalent feelings towards the child.

Most people think it preferable to consider these two alternatives (kill the child or be forced to keep it) rather than envisage any definitive separation at birth with a view to adoption. Few will accept that it is unbearable for a woman to carry the child of a criminal in her womb, that it is impossible to breast-feed this 'child of bad memories' and that adoption by another family at birth could offer protection for the child's life and its future.

Before the war, 'accidental' (i.e. unwanted) children always found a place within the Rwandan extended family. If an unmarried woman became pregnant and the child's father did not want to accept it as his, there was always a man in the girl's family to take on the role of father. Some people even say that it is dangerous to abandon a child, as it could come back as an adult to kill the mother who brought it into the world. Rwandan attitudes are not prepared for children being adopted outside the family circle. It is considered comparable with abandoning the child in the street and an abominable act, almost a crime. The idea of Western-style adoption seems to them to be one of these inhuman modern creations, born of an egotistical society unable to accept every newborn as a blessing from heaven. Being forced to recognize that these women are going to reject these children at birth is seen by the Rwandans as a new war catastrophe. They don't see how a woman can explain to her family that she has given birth and that the child has been given to other people. Her pregnancy is obvious, a birth cannot be hidden or secret. Even stillborn children are buried with solemn ceremony.

Attempts to induce miscarriages have resulted in infections and haemorrhages which can go as far as rupture or necrosis of the uterus. Pregnancies in young girls are likely to result in particularly difficult births, as the pelvis of these very young girls is not yet as large as an adult woman's. Obstetricians fear serious complications if these births take place outside hospital. A ruptured bladder or torn pelvic floor can lead to complications (necrosis of the uterus, loss of elasticity in the vagina etc.) which could permanently impair any chance of a normal sex life and/or conception. Thus these very young girls would lose all hope for the future of marriage and motherhood.

Health care professionals in maternity hospitals estimate that more than 90% of these women will reject the child at birth. Only in the privacy of a medical consultation will these women reveal in great distress the hate they feel for the baby, which makes their pregnancy intolerable. Less than 10% will possibly be able to overcome these negative feelings and love the child for itself. In this painful and emotional atmosphere two early 'war children', born prematurely, were, against all predictions, rejected at birth and left at the hospital. They were labelled 'born after rape' and given to the Sisters of Mother Teresa of Calcutta. This community is prepared to receive other children of rape victims. Their future is uncertain but they carry a real stigma.

Conferences and individual conversations have enabled all the professionals to talk about their problems with regard to the complexity and novelty of such

misery. They have been able to share their uncertainties and seek a way to care for these women and children.

Awareness of the need to protect the lives of these children has helped them to overcome the shame attached to these newborns, whether children of criminals or 'trials' from heaven. The last two days of the mission were used to finalize an awareness-raising campaign which took the form of two documents. They were discussed with a small group of professionals, have received the support of the Ministry of Women's Affairs and the Family and are supported by UNICEF.

The documents consist of a form to be filled in by maternity hospital staff after each birth so that more precise information can be obtained on pregnancies which have been denied or neglected and children rejected at birth; and a small information leaflet for health care professionals to help them accept the idea that women may reject a child at birth, so that they do not make them feel guilty or pressurize them into a decision.

VII - Sexual abuse by the victor?

It seems that there were isolated incidents of rape committed by FPR soldiers to avenge their family after discovering the atrocities committed during the war. Soldiers who had lived in Uganda were apparently eager to marry and settle in Rwanda. They abused their new social position to put emotional pressure on young women who had been terrorized by the war and who did not dare refuse to marry them. There are different views on this rumour. Some say that these were 'forced' marriages, that the women did not genuinely consent to the marriage, which took place 'in confusion', without any traditional religious or civil ceremony. Others say that these soldiers, although in a hurry to marry, had taken the time to ask the family for the hand of the girl. It is true that many FPR soldiers lived in the bush for several years in training camps in Uganda far from any women and that they wanted to settle into a stable way of life in their country immediately after winning the battle to defend it. It has been very difficult to ascertain whether or not there have been abuses of power and sexual advantage taken of women. There were probably isolated cases of rape, but they were not planned or systematic. Revenge rape is very frequent, even in peacetime. It occurs particularly when no judicial system has been established.

VIII - The medium term damage to the individual: AIDS, prostitution

It is unanimously considered that contamination by the AIDS virus is much worse than the birth of children conceived in violence. It is like a slow death which for the rest of the victim's life will make her dangerous to others and in a certain way it prolongs the rape and the war. The whole population including health care professionals, are so frightened by it that they have taken no public health measures to tackle it.

They have not set up a systematic test to detect AIDS at birth. The wish to keep the fact of rape a secret reinforces this taboo, as any woman infected by the AIDS virus during the war would be suspected of having been raped. The silence of the raped women reinforces the denial of this illness.

Some health care professionals have noted that women 'went with' UN soldiers for money. The word prostitution has not really been applied, as economic problems are such that it seems almost excusable for women to supplement their income in this way, particularly in time of war. Prostitution was not legal before the war

but was tolerated in secret. The rise in prostitution or the need to sell sex seems to be one of the serious consequences of wartime rapes. It is unfortunately a commonplace that it has been institutionalized through the presence of international troops.

It is too early to evaluate other forms of damage which will be a lasting but unspoken result of rape, if they are not tackled through the courts or by psychological counselling; aggressive behaviour to others, sexual inhibition or provocative conduct, alcoholism, drug dependency, violence within the family, later effects on childbirth etc.

IX - Damage to the fabric of society if there is no legal remedy

There is cause for concern as to the future of the women who were raped as very few of them have spoken about it. The general attitude is to remain silent, even within families. Many doctors told me that women from their own family had confided in them after they had revealed that raped women had consulted them. Others think that women from their families have been raped but dare not reveal it, as they burst into tears when the doctors talk about the rape of women during the war. Some of these women apparently fear that their families or husband will turn away from them if they have lost their virginity or had sex with a man other than their husband. They equate rape with adultery, as there has been no legal recognition of the crime. Others fear that their family will blame them for having chosen survival through rape rather than death. The guilt of having survived the genocide at the price of rape is intense and reinforces their silence. A wall of silence and shame separates women from men, wives from husbands, girls from parents or brothers, if there has been no recognition of the crime or reparation for the damage caused. Rape in wartime is a formidable weapon as it has a destructive effect on the individual's mental state and causes very deep damage to family relationships.

There is talk of revenge by the Hutu militia who might break through the borders and resume their atrocities. Women are frightened of the rapists, particularly when they know who they are. The lack of reaction by the international community to the current Government's attempts to reveal the truth about the rapes, and the fear that their rapists, who are still at liberty and unpunished, may return, only reinforces women's silence and their desire to preserve their anonymity. One may wonder why the UN Commission on Human Rights has not sent experts and observers to investigate the sexual violence inflicted on women during the Rwandan war, when the issue of rape as a weapon of war led the International Court of Justice in 1993 to define rape as a crime against humanity. Rape has also been used in Rwanda as a weapon of ethnic war to destroy women's mental balance, their ability to have children and their relationships within the family and the community, thus also humiliating their husbands, fathers, brothers and children.

It is an international scandal that African women are not considered in the same way as Bosnian women. Racism is so subtle that it shows how much progress needs to be made before the rape of women as a weapon of war is really recognized as an attack on women's rights, whatever the race, country or continent.

Some women have no alternative but to mourn in a way which is decent and acceptable: widowhood, the loss of one or more members of the family, the theft of possessions, the destruction or dispossession of their house and land. Others develop psychosomatic systems and consult a doctor on the pretext of malaria,

which is the primary cause of mortality in Rwanda. But overall, both women and men in this country prefer to maintain their dignity and are very unlikely to display their suffering. Some have even developed defence mechanisms against these traumatic events, using humour, euphemism or poetry. This is why Rwandans speak of 'wives in the roof', 'militia wives', 'difficult miscarriages', 'war pregnancies', 'children of bad memories', 'marriages in confusion' to render more acceptable in the eyes of others what could be regarded as negative or terrifying. They are extremely courageous in trying to find solutions to help everyone to regain hope and the will to live.

If no international tribunal is set up, the women will not disclose the rapes they suffered. It is therefore useless to set up structures aiming to care for raped women. If they speak out one day, it will be to someone of their choice, someone with whom they have built up sufficient confidence not to feel destroyed and humiliated once again. If they are stigmatized they will feel they have been raped again. As for the women and girls who are pregnant, they are living in a state of emotional crisis as they hate the child although a part of it is theirs. They will be forced to break with African tradition and have the child adopted. This would be one more reason for mourning; an unacknowledged birth would mean a break in the family tree. The women today are trying to tackle various everyday problems: widowhood, rebuilding their houses, financial losses and above all the suffering of their children.

<p>THE PSYCHOLOGICAL MASSACRE OF CHILDREN WHO SURVIVED THE GENOCIDE</p>

Very many children witnessed not only the death of their parents, the rape of their mother or sister but also the particularly sadistic behaviour of the militiamen who denied their very existence. The few young survivors of massacres whom I was able to see seemed to me to be seriously traumatized. Usually they were found in tragic circumstances by FPR soldiers or Rwandan families, who took them to reception centres which were set up as an emergency measure but which too quickly became known as orphanages.

These children had suffered sometimes physical, always psychological injury, and most of them had survived extreme situations such as:
 being thrown into a mass grave with the corpses of their family,
 being buried alive and miraculously saved because somebody heard them crying,
 escaping the family massacre because they were better hidden than other members of the family,
 being left alive despite the injuries received when their family was massacred,
 being found dying, clinging to the decomposing body of their mother,
 being found alive after several days spent alone among the corpses of their family during the exodus, etc.,
 having witnessed the rape or massacre of their parents or siblings and being totally unable to do anything.

These children have not only been subjected to a massacre which failed, but have experienced the loss of their loved ones and being alone in a situation of extreme stress, as many of them were found alone with corpses. In addition to these intense mental traumas they suffered physical injury: from grenades, clubs or machetes. They sometimes even lived through the beginning of their own death, having remained several days without care or food. It is difficult to find adequate words to describe what has been beyond horror.

I tried to set up a method using three drawings to enable the children to speak about their traumatic experience through an intermediary.

This test enables the professional to make a diagnostic evaluation of each child's mental state as it makes it possible to determine the extent of the trauma, and enables a prognosis to be formed as the children express their opinions about the future.

It also has therapeutic value as it enables the child to use this medium to tell one particular adult what was the most terrible thing he suffered during the war: the experience of violence and the deaths of relatives. If he cannot find the words to express the violence he endured, he can draw the suffering which cannot be spoken and deal with it in this way. It also enables the child to share her experience with other children with similar experiences, in order to remove the feeling of guilt at having survived the family's massacre and reinforce the feelings of human solidarity with other children who endured similar experiences.

As in former Yugoslavia, the psychological effects of their experience of violence vary greatly from one child to another. Some seem to have withstood

extreme violence and preserved sufficient interior resources to envisage the future, while others at present show pathological shell-shocked behaviour which I have rarely observed in children: melancholic depression, massive mutism, refusal to comply with any suggestion from an adult and regression by several years are the consequences wrought by human fury. The prognosis for these children seems both unpredictable and dubious. Their symptoms are so intense that it would be hard to believe that their psychological disorientation could be reversed, but as they rapidly regain their physical health and adapt to daily life there is some hope of a favourable outcome in the coming months. The warmth of the many adults around them has a therapeutic effect which largely makes up for the crucial lack of psychotherapists.

Psychological treatment for trauma has emerged recently in Rwanda, mainly as a result of the NGOs which have tried to help the orphanages. As there were very few Rwandan psychologists or psychiatrists before the war, it would be useful to develop ways of training teachers and social workers to increase the awareness of social workers and mothers of therapy for children's traumas.

Very many of these children lost their parents during the fighting or the exodus. Whether they are orphans or unaccompanied children, they do not want to stay in the orphanage. Even if they have lost the majority of their family, many children wish to return home to their own hillside. Just the presence of another family member or a neighbour can give them hope to see their home again. 90% of Rwandans used to live in the country. According to the tradition of family inheritance, everyone had a plot of land. This meant that each individual was not only able to construct a shelter and plant basic food, but also had pride in belonging to a particular hillside.

The neo-colonial introduction from the West of the idea of orphanages was perhaps an appropriate emergency strategy for feeding and sheltering thousands of children but it is now having disastrous effects on relationships within the community and maintenance of traditions. People jumped too quickly to the conclusion that these children were like the abandoned children in Western institutions, because they had lost their family in the exodus or during the massacres. In fact these children have escaped the death which was intended for them and have not been abandoned by African women. Most of the Rwandans I met have taken into their homes several children who escaped the massacre of their family and were left on their own. As survivors of the genocide they would have little chance of regaining their zest for life and their confidence in adults if they were not reintegrated as quickly as possible into the extended African family.

Many Rwandans are indignant at the colonial attitude of the NGOs which insist on giving aid by investing in orphanages. The developed countries were tempted to invest in orphanages, but this segregation from the family and social group is very badly tolerated by most children and has deeply hurt Rwandan society. Nobody likes these artificial places which reinforce the rupture of family ties caused by the genocide and the systematic rapes. These reception centres for refugees, prematurely described as 'orphanages' should only be a temporary solution to the distress of the surviving children. Western people do not have the right to solve the problem of unaccompanied children without taking account of the ability of the extended African family to find medium-term solutions for its children. Africans have a lot to teach us in their way of welcoming children whatever their ages and problems. There are a long way from the egocentric western attitude which will happily help children as long as they

conform to the right 'designer' pattern. As some children were enrolled into the militia and then manipulated by adults to become killers, it does not seem reasonable to solve their problem by keeping them locked up. The psychological needs of these children should be evaluated and they should probably receive psychotherapy so that they can avoid repeating in future, as adults, the violent acts they were encouraged to commit.

Consequently in future it would be better to give no more money to the orphanages, but to fund programmes to help unaccompanied children to be reintegrated into families, whether their own extended family, their neighbour's or an adopted Rwandan family. Psychological programmes should be available to keep track of each child.

CONCLUSIONS

For too long a period of history, the rape of women in wartime has been regarded as commonplace and not talked about. It seemed to go along with the pillage of property which was the warrior's right. The rape of women has been used systematically as a weapon of war and propaganda since the First World War. Although the facts were established, accounts of rape were suppressed after the war. During the Second World War, the rape of women was not listed as a war crime in the Nuremburg Charter of 8 October 1945, although the Tokyo Tribunal designated it as a war crime on 19 January 1946. In view of the extent of the rape of Bosnian women as a weapon of ethnic cleansing in late 1992, the UN Security Council in its Resolution 808 of 3 May 1993 designated systematic rape as a crime against humanity.

In Rwanda, rape was systematic, arbitrary, planned and used as a weapon of ethnic cleansing to destroy the fabric of society, by silencing the victims. The particular characteristic of sexual violence is that it attacks people's intimate areas and private life and it therefore often remains secret. Women and girls are caught up in a paradox. To defend themselves, they must reveal in public something which belongs to their intimate life. They have the right to speak, but they also have the right to respect for privacy. They would therefore have to speak in secret to investigators from the International Court of Justice. As it should not be forgotten that some Bosnian women rape victims committed suicide on discovering that photographs of themselves and their babies had been exposed to public view all over the world by the media, any disclosure of the rape of Rwandan women must take place with decency and dignity, out of respect for the women, men and children who have already had to suffer deep humiliation. There is above all a duty of justice to recognize these crimes under the law, so that the fact of rape does not have to be denied.

There is therefore an urgent need to denounce these rapes of women and girls, so that they may be recognized as crimes against humanity and the victims and aggressors recognized as such.

The President of the Committee Against Torture of the UN Centre for Human Rights in Geneva should appoint a committee of experts to carry out an inquiry into this serious crime against women.

The Public Prosecutor of the International Court of Justice should start to consider cases brought by victims, while ensuring that they are given the anonymity and protection they need.

The head of the coordination unit for women's activities at UNESCO, which last June drew up a report on rape as a weapon of war in Bosnia, should take the necessary measures.

If the rape of women and girls is not dealt with by the courts, if there is no collective recognition, a durable peace will not be established in Rwanda, either now or in the future.

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French women should be encouraged to show solidarity with Rwandan women by making an attempt to re-launch the Femmes d'Europe association and to raise the awareness of women's organizations which care for raped women in France. Funds collected could support programmes carried out by organizations which help women and their children in Rwanda without attaching a stigma to rape.

BRIEF SURVEY OF WOMEN'S RIGHTS VIOLATIONS IN THE WORLD
AND PARTICULARLY IN RWANDA

Nearly 50 years since the universal and solemn declaration of human rights, human rights do not apply equally to all human beings. The simple fact of belonging to the female sex remains a tenacious form of discrimination. Men and women, although different, are born equal in dignity and under the law, but with regard to the exercise of human rights, being born male or female is not without significance. The violation of women's rights is an observable fact and, in a development context, is a waste of human resources. Although many women in the world have been able to improve their status and their role, unfortunately many more still aspire to such improvement. Discrimination against women and lack of respect for women's intrinsic qualities affect the human dignity and happiness of all women and push some into very painful situations from which there is no escape.

For decades, women have frequently suffered discrimination and have been kept away from the decision-making process, even for problems which concerned them. This situation is not specific to any particular country, it exists in developed and third world countries. As an example: in the United States, a woman has never been elected president, there has never been a female Supreme Court judge or governor of a large state, or mayor of a major city.

Women, in particular those in the Third World, do a lot of work. But often their work is not recognized or appreciated, but considered a natural phenomenon. Thus, their efforts go unnoticed. Women do not feature in statistics: 'the invisibility of women' (cf GACD: The place and role of women in development, p.10).

The Third World countries excel in discrimination and in violating women's rights. Women there are faced with specific problems. There are still many laws prohibiting women from possessing property or land, or offering guarantees for bank loans. Some inheritance traditions ensure that women are totally dispossessed when their husband dies. Trafficking in women who are sold into prostitution like common merchandise is one of the worst forms of slavery. Third World women have less than one per cent of the world's wealth (cf AGCD ibid p. 18.)

Rwandan women have not escaped this discrimination. In Rwanda there is an entrenched attitude of discrimination against women which is illustrated by the segregation practised from school age: girls represent 45% of pupils attending primary school, but only 10% of them go on to secondary school. In further education, the proportions are one girl to 15 boys. With regard to employment, in 1990 there were two women in the Government and 11 members of Parliament out of 58. No heads of local administrations, no mayors, a single secretary-general out of 18 and two director-generals out of 44, 8 directors out of 148 and 28 heads of division out of 215. The community expects women to find fulfilment in motherhood.

As in most African countries, Rwandan women, apart from their many roles as mother, wife and educator, also play a central role in the subsistence economy by providing for most of the family's needs. Despite efforts to improve their

economic situation, Rwandan women still face the problem of low income due to the lack of access to credit facilities and remunerative employment and lack of education and technology to lighten the load of their many domestic tasks and enable them to take on other roles in society.

Rwandan women suffer the additional disadvantage of inadequate health care services for mothers and children, frequent pregnancies due to the virtual non-existence of family planning services enabling them to control their fertility and the proliferation of the AIDS virus.

The Republic of Rwanda has signed the Convention prohibiting discrimination against women, but there has been no complete review of legislation to enable it to be implemented. The civil, penal, commercial and other codes have not been updated and apparently do not provide effective protection for Rwandan women.

Mention should be made here of Rwanda's recent history (genocide and massacres of opposing political factions in April 1994): women and children have been the main victims. The femininity of women and girls has been hurt and derided. They have suffered family breakdown, widowhood leaving the woman with the responsibilities of the head of the family, rape (see attached document), transmissible sexual diseases and AIDS and the need to provide affection to deeply traumatized children who have lost their families.

With regard to the law, thousands of Rwandan women, most of them widows, have no system of support or legal protection to ensure respect for their rights, i.e.,

- the right to make use of the possessions which belonged to their husbands;
- the right to take over land ownership and credit so that they can run their own businesses;
- the right to physical protection;
- the right to legal protection if their property has been occupied illegally;
- the right to judicial and psychosocial support for women and girls who have suffered rape.

Conclusion

If women's rights in the world are no longer to be violated, the existing inequality between men and women must cease, particularly in the Third World. The whole of society must change its attitude towards women. We call on the international community and in particular the Rwandan Government to implement legislation deriving from the Convention abolishing discrimination against women.

With regard to Rwandan reconstruction, the international community and the Government must give women, individually and collectively, the right and the means to fulfil their responsibilities effectively.

For the Belgian association of Rwandan Women.

C. Fransen-Mukantagara

EUROPEAN PARLIAMENT

COMMITTEE ON WOMEN'S RIGHTS

NOTICE TO MEMBERS

Members will find attached a paper from the Foundation against Trafficking in Women, an organisation which will be represented by Marjann WIJERS at the Public Hearing on Gender-Specific Human Rights Violations, taking place in Brussels on 26 and 27 June 1995.

THE SECRETARIAT

19 June 1995

PE 213.619

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PE 165.539

The contemporary manifestations of traffic in women render the old concepts and descriptions inadequate, and require new strategies to combat them. Trafficking in women today can take the following forms:

- a) traffic in women from the so-called "Third World" or undeveloped countries" as brides for men in the so called "developed societies", when women who pay for mediation of marriage bureaus are deceived, are not allowed a choice of partners but are submitted to the degrading process whereby they are offered merely as passive objects to be tested and selected, and finally "bought" by the male customer;
- b) traffic in women as domestic workers, when women who work thus without rights and without recourse to redress when employers violate the contracts, and inasfar as the conditions of work are such that the women are subjected to slave-live conditions of work and living and thus vulnerable to other gender-specific forms of violations of their rights;
- c) traffic in women for purposes of prostitution in situations where women are coerced into doing sex work through deception, fraud, intimidation, blackmail, physical and/or psychological violence, and where they are not able to leave or change their conditions of work.

In all these circumstances women are subordinated and placed at the mercy of those whose only intent is to profit financially from them: the recruiters, agents, brokers, pimps. The national and international political and commercial institutions collaborate in the exploitation of poor women, regardless of their countries of origin. Members of these institutions may be personally or officially consumers of their (involuntary) services; or they condone silently these exploitative practices against women; or they make decisions in positions of power which render poor women more vulnerable to the criminal practices of international trafficking syndicates.

The traffic in women is but one variation of the global and systematic AGE-OLD negation/violation of the rights of women to live as human beings with personal integrity and dignity, alongside men. The structural causes of the different manifestations of traffic in women are rooted in the basic vulnerability of women, which is greatest in economically weaker societies. In addition to CLASS, SEX and RACE are factors which combine to make "trafficking" a particularly complex aspect of human rights violation with respect to women. The prevalence of trafficking up to this century - and it looks like it is on the increase - indicates that women all over the world are still being objectified and appropriated, generally by men, as SALEABLE and BUYABLE goods - a fundamental denial of her personal integrity and subjectivity.

Trafficking methods and channels

The traffickers use various methods. For example, the Foundation against Trafficking in Women in the Netherlands, which has been running a support service bureau for victims of trafficking report the following experiences:

- Polish women who answered advertisements for waitresses and cooks have been put to work as stripteasers and forced to sleep with customers;
- Bulgarian women had been kidnapped in ex-Yugoslavia, held prisoner in a flat and brought to their work daily in a "window" on Amsterdam's famous prostitution area called the "wallen";
- Ukrainian women were forced to work as prostitutes because they had signed IOUs for loans with multiple interest rates which they could never have been able to repay if they went home;

- Russian women told that they had been induced into prostitution by the KGB and the "mafia";
- Thai women had been made to sign contracts binding them to pay about \$15.000,- before they were allowed to keep cent for themselves;
- Indonesian women were invited for a "vacation" by distant family members, and then put to work in brothels;
- Filipinas had been recruited as cultural dancers, and discovered that they had to perform without clothes and do more than dance;
- Moroccan women had been brought as young brides and then locked up in their own homes and forced to sexually service customers brought home by the "husbands";
- Women from different countries of South America (Dominican Republic, Colombia, Ecuador, Brazil) and the Caribbean had been lured with promises of well-paying jobs and then placed directly in brothels.

The background of the women concerned

These women have many things in common. They are relatively young; the youngest we have met is 16 years and the average age of those we have helped is around 25 years. Although some of these women cannot read or write, most of them have had at least basic education, some have had professional training and some, especially from eastern European countries, even college education. They are invariably from urban areas and many have had jobs in their countries, albeit for very low wages and under bad working conditions and with no prospects for improvement.

Undeniably all of them left their countries willingly and eagerly, when the opportunity presented itself. They were - like all migrant people - ambitious women; each with her own dream of a new life full of opportunities for personal and social advancement. They were willing to work at anything; some were willing to work as prostitutes if they could do so freely and earn an honest and comfortable living. Drudgery and insecurity and hopelessness they had left behind. But, unfortunately, all these dreams and hopes are dashed to pieces when they are caught within the net of criminal gangs, the maze of restrictive laws, when they discover that they have no rights at all, that they are not even allowed to work honestly to achieve their ambitions.

New trends: trafficking in women from the Central and Eastern European countries (CEECs).

Since the political changes of 1989, there has been an alarming rise in trafficking in women in and from the Central and East European Countries (CEECs). Police officials and women's organizations in Western Europe indicate a shift in the recruitment of women from the so-called Third World countries (in Asia, Latin America and Africa) to women from the CEECs.

Women's organisations addressing this issue are registering more and more women from the CEECs. In the Netherlands, in 1993 and 1994 the Dutch Foundation against Trafficking Women (STV) contacted 176 clients (69% of the total number of 256 clients in this period) from the CEECs. They came from the former Soviet Union, Poland, Bulgaria, Rumania, the former Yugoslavia and the Czech and Slovenian Republics. In Switzerland, FIZ (Frauen Informations Zenter) reported that until August 1992, 318 East European women have been granted a so-called "artist visa" (in 1991 it was 269). This visa allows the women to work as go-go dancers, the only job women from non-EU countries can legally for in Switzerland. To work as a go-go dancer means striptease dancing, often accompanied by "animation" of customers and prostitution. Not all of these women are working under coercion, but a considerable number are. The Zurich

police report an increase in illegal street prostitution of Central and East European women, especially women from Poland and the Czech and Slovenian Republics. In Bern an increase in the prostitution of women from the CEECs in so-called "salons" has been noticed. In Belgium, most women from the CEECs coming for help to SARALEK, an organization offering support to victims of trafficking in women are Polish. In Germany exact figures could not be given, but Berlin Health Office Charlottenburg comes across many Polish women who work as prostitutes under miserable circumstances. AGISRA, a women's organisation in Frankfurt, reports that prostitutes from the CEECs operate on the streets outside the areas where prostitution is tolerated. The women who come for help to the women's organizations in western Europe tell about many more women in the same circumstances, or groups of women who have been trafficked together.

The motives of women from CEECs to migrate and the conditions they are confronted with in Western Europe resemble those of women of Third World countries, but there are differences too. As yet very little is known about the nature, scale and channels of trafficking in women in and from the CEECs. Also there is little or no information available on the backgrounds of these victims, just as there is a lack of proper information on the risks of migration in their countries of origin. However, women's organisations and the police in Western Europe state that the victims of trafficking from the CEECs they encounter are just a fraction of the real numbers involved.

The trafficking of women in and from the CEECs is carried out by professional criminal organizations which often have contacts in both eastern and western European countries. Trafficking in women means big "big money and little risks", as one Russian put it in a Dutch newspaper article. There are *malified* marriage agencies which transport women to western Europe for large sums of money (to get into Germany women pay DM 1000-2000 for a working permit and another DM 6000-8000 for getting married to a German citizen). There are reports from Switzerland about agencies in the CEECs which organize beauty contests and send the winners on so-called modelling tours which turn out to be one-way tickets to brothels. From Swiss sources there are also reports on Hungarian women, some of them 12-13 year old girls, who were promised summer jobs as waitresses in Germany. They were transported to Germany with false documents and were forced into prostitution. In Holland many women were offered jobs in restaurants or bars by malafide employment agencies, advertising in newspapers or through posters in official employment agencies. Women are also recruited by people they know: friends of friends, old neighbours, acquaintances of their family. Often they are brought into the Netherlands with false documents, which makes them completely dependent on the pimps. Dutch data show that the traffic in women from the CEECs seems to be mainly controlled by East European criminal organisations, operating in the sending as well as in the destination countries. They are highly organized, extremely violent, and often involved in other criminal activities as well, such as arms trade, drug smuggling and bribery of authorities.

Reasons for the increase of trafficking in women from CEECs

There are many reasons for the shift in trafficking in women from the traditional Third World countries to women from the CEECs.

The most obvious one is the breakdown of the national economic and political systems which was accelerated by the events of 1989, bringing confusion and hardship to the general populace. Just as in the "underdeveloped" Third World, women are particularly vulnerable in such situations, since they are often in the paradoxical situation of being responsible for the family income, while not have access to well-paid jobs nor to the same opportunities for legal (labour)

emigration as men. Under these circumstances an offer of a job in a West European country is very appealing, even if the conditions are dubious. Due to the increasingly restrictive immigration policies of West European countries, women lacking perspectives at home and looking for work abroad are easily driven into the arms of dubious organizations and middlemen. According to data from the Netherlands, Germany and Switzerland, many of the victims of trafficking are single mothers who have to maintain themselves and their children.

The absolute lack of any policies protecting the rights of (migrant) women working in prostitution places them at the mercy of the pimps. The marginalisation and stigmatization of prostitutes further strengthens the grip of criminal networks on prostitution. The rapid circulation of women between cities and countries makes it difficult for them to establish contact with people who could help them to escape. The heightened police control of illegal immigrants aggravates the fear and distrust that women from CEECs have of all authorities. Other practical reasons include that women from most CEECs do not need visas to enter EU countries. The travel costs are lower than those from countries further away. This is attractive for brothel keepers who must pay for the repatriation of women found working illegally in their establishments.

The consequences

For the women who have been thus victimised, the way back home is very difficult. Often they cannot depend on their families to support them, it was they who were supposed to support their families by working overseas. Most say that they absolutely will not be able to tell anyone what had happened to them, out of a sense of shame and guilt at failing the expectations of families and friends. Those who have pressed charges against the traffickers live in real fear of retaliation.

Needless to say there are no support systems back home. On the contrary, they are afraid that they will be penalised if the authorities should get to know that they have been "involved in prostitution"; in the ex-communist countries much of the old bureaucracy is still intact, which is an additional cause of concern to women from these countries.

Even when the penal system is quite active in prosecuting traffickers, like it is in the Netherlands, pressing charges and going through the whole juridical procedure is a tedious and emotional experience. Complainants are subjected once again to painful and humiliating confrontations with the scepticism of the police and the courts and the character assaults of the defendants and their advocates: In the end it might still come to nothing, and women often feel that they are the ones being prosecuted, instead of the traffickers. As one Filipina said on hearing that the person who had raped and forced here to work in a brothel was sentenced to two and a half years imprisonment:

"He will be released probably after 2 years, but I have a life-long sentence because of what happened to me..."

An Algerian Woman's Story

'I am the mother of four children, aged 9, 7 and a half, 21 months and four months. I was tortured before their eyes by three young men, in my own home, in the presence of my husband, on 6 April 1990, a Friday in the month of Ramadam. My husband saw I was tired and suggested bringing home some people he knew, of a 'certain age' to read the Koran to me. On the way, in the car, my husband told them that I was possessed by a 'jinnee' (spirit)! My daughter was with them in the car and told me this later. They told my husband they had 'the right methods' to remedy that. When they came into the house I was surprised to see how young they were: between 20 and 26. I asked my husband if he knew them personally, he said no, but that they were 'very good'! Mohammed Khaoua guarded the door to prevent me escaping, while 'Big Ali', with the beginnings of a moustache, was the one who conducted the 'séance'. This 'séance' lasted four hours, from 3.15 to 9.20 p.m. I was locked in. They subjected me to atrocious moral and physical torture, they tortured me to rid me of a jinnee which didn't exist. Despite all the blows from balgha and fists I received on my face, head, shoulders, arms, hands and knees, despite this torture my mind remained lucid. They swore to me that if I gave them a name (other than my real name which did not satisfy them despite my insistence, my cries and my entreaties that I didn't have another name), they promised to stop hitting me. After a long time, while they, to help me (!), were suggesting names, first of women, then of men, finally, at the end of my strength, I shouted 'Abdelhak!' at them to have done with it. Abdelhak was there. He was a thoroughly nasty piece of work, a liar who liked violence, so that was certainly not the time to stop. Quite the reverse! with my husband still present, they tied my hands and throttled me until I felt my eyes coming out of their sockets, until I nearly passed out. When I asked Ali, who was throttling me, to loosen the grip of his fingers round my throat because I thought I was going to die, he laughed and said 'you wicked jinnee, you liar, you are the one who is going to be strangled!'. I replied feebly: 'No! it's me, Latifa, a mother of four children who is going to die'. Then they threatened to disembowel me with the sword that was hanging on the wall. I screamed, I begged my husband and Mohammed Khaoua, whom I knew, to have pity on me! My dear friends, I cannot talk about those four hours of torture. It still hurts too much. I can hardly eat or sleep. I will just say that after two hours of torture, at the hour when all Moslems were at table to enjoy their 'ftour', I was completely finished, and to escape their torture I ... nearly threw myself out of the window. My instinct as a mother stopped me doing such a thing. I decided not to throw myself out for the sake of my children who still needed me. God decided to spare my life. It's a miracle from God that I didn't have a heart attack, my face was not totally disfigured and no bones were broken. I had 10 X-rays: hands, fingers, elbows, shoulders, arms and knees and there was nothing broken. But my multicoloured bruises - purple, red, blue - and swellings and the statements by PMI (Court medical service) doctors were 'necessary and sufficient' proof that I had been a victim and not of a car accident or a fall down the stairs. My husband insisted that I say I had fallen downstairs and this was the condition for him agreeing to take me to the doctor. Anyway, that was what he said to the doctors as he sat me down on the chair. Those enormous, multicoloured bruises proved that I had been beaten and tortured. God spared my

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life so that I could be a living witness to denounce these criminal acts committed in the name of God and in the name of our beloved Islam. I ask you to help me let the truth come out. I spoke out. My husband is threatening me more and more. Help me. God will not forgive them for their blasphemy that day when they said 'The balgha is better than the Koran' and beat me half to death when I protested. May God protect me Inshallah.

Mrs MAHDJOUB LATIFA
Cité des 16 Logements STAQUELI
W. TIPAZA

STRENGTHENING OUR LINKS

AFRICAN WOMEN IN EUROPE

A TWO DAY CONFERENCE ON AFRICAN WOMEN IN EUROPE,
30 - 31 OCTOBER 1992, LONDON

CONVENED BY AKINA MAMA wa AFRICA

MOTION AGAINST MEDICALIZATION OF ALL FORMS OF FEMALE GENITAL MUTILATION
INCLUDING EXCISION OF AFRICAN GIRLS IN THE NETHERLANDS

We African women in Europe present here today at this conference affirm that all forms of genital mutilation performed for non-physical reasons on the girl child are an attack on the physical and moral integrity of the child and therefore constitute an abuse of her human rights. We totally disagree that medicalization of female genital mutilation under the guise of incision is the solution to the prevention of this problem.

We support the advice given to governments by the Women's Council of Refugee Organizations, the Netherlands, and the initiatives that are being taken to prevent practices prejudicial to the health of mothers and children, and endorse the London Declaration emanating from the First Study Conference of Genital Mutilation of Girls in Europe, July 1992 organised by FORWARD, which calls on all European governments to take action to protect the female child in their territory irrespective of race, religion and political status.

We support the WHO position which forbids medicalization of female genital mutilation and instead call on the Government of the Netherlands to legally prohibit all forms of mutilation including incision and to release resources to experts for intensive education and counselling for the communities concerned.

To this end, we trust that the government of the Netherlands will honour the 1989 UN Convention on the Rights of the Child - Article 24(3) which states that all 'State Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of the child and Article 21 of the African Charter on the Rights and Welfare of the Child which states that 'appropriate measures be taken in order to eradicate traditional practices and customs which are prejudicial to the child'.

signed: Jerusha Arothe-Vaughan
President of AKINA MAMA wa AFRIKA

On behalf of all conference participants
31 October 1992.