

Notes

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- ⁵ In keeping with the usage in the Protocol on the Rights of Women in Africa added to the African Charter on Human and Peoples' Rights, this report uses the term 'female genital mutilation' rather than 'female genital cutting'.
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- ¹¹ Many of the examples of projects designed to end violence against women described in this report have received support from UNIFEM as well as several other UN agencies, including the United Nations Population Fund (UNFPA), the United Nations Development Programme (UNDP), the Joint United Nations Programme on HIV/AIDS (UNAIDS) and the United Nations Children's Fund (UNICEF).
- ¹² The doctrine of *due diligence* in cases of acts of violence carried out by private individuals is further elaborated in the Velásquez Rodríguez Judgement of 29 July 1988, Inter-American Court of Human Rights (Ser. C) no. 4, paras. 174-5. See www1.umn.edu/humanrts/iachr/b_11_12d.htm (site visited 9 September 2003).
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- ³⁷ Coomaraswamy. 2003. Addendum I. E/CN.4/2003/75/Add.1, para. 1275. 27 February. In the case of María Eugenia Morales de Sierra, the State of Guatemala adopted a series of reforms to the Civil Code: "Article 109, which had authorized the husband to represent the marital union, was reformed to provide that such representation corresponds equally to both spouses. Article 110, which had attributed to the wife the special duty to care for the home and children, was modified to provide that both spouses have the duty to care for minor children. Article 115, which had indicated the exceptional circumstances under which a wife was permitted to represent the union, was amended to provide that in case of a disagreement between spouses as to such representation, a family judge shall decide on the basis of the conduct of each partner. Article 131, which had authorized the husband to administer marital property, was reformed to provide that both spouses may administer such property, either jointly or separately, and article 255, which had attributed similar authority to the husband with respect to the representation of children and their property, was modified to provide that both parents shall exercise this authority, either jointly or separately.

- Three articles were repealed: 113, which had permitted a wife to pursue work outside the home only if this did not prejudice her role as wife and mother; 114, which had authorized a husband to oppose his wife's activities outside the home, as long as he provided for the household and his reasons were justified; and 133, which had specified the exceptional circumstances under which a wife was permitted to administer marital property." See also Report No. 4/01, Case 11.625, *Annual Report of the IACHR 2000*, OEA/Ser.LV/II.111, Doc. 7 rev., 16 April 2001, ch. III. Report No. 28/98, *Annual Report of the IACHR 1997*, OEA/Ser.LV/II.98, Doc. 7, rev. 13 April 1998, ch.III.
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List of Acronyms

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|-----------------|---|
| APROFES | Association for the Advancement of Senegalese Women |
| ASEAN | Association of South East Asian Nations |
| CEDAW | Convention on the Elimination of All Forms of Discrimination against Women (also known as the Women's Convention) |
| CEDAW Committee | Committee on the Elimination of Discrimination against Women |
| CEE/CIS | Central and Eastern Europe and the Commonwealth of Independent States |
| CHANGE | Center for Health and Gender Equity |
| CWCS | Centre for Women and Children's Studies |
| CWGL | Center for Women's Global Leadership |
| ECLAC | Economic Commission for Latin America and the Caribbean |
| ECOWAS | Economic Community of West African States |
| EU | European Union |
| FAO | Food and Agriculture Organization of the United Nations |
| FGM | Female genital mutilation |
| GNP | Gross national product |
| IAHCR | Inter-American Commission on Human Rights |
| ICC | International Criminal Court |
| ICRW | International Center for Research on Women |
| ICTs | Information and communication technologies |
| ICVS | International Crime Victims Survey |
| ILANUD | United Nations Latin American Institute for Crime Prevention and the Treatment of Offenders |
| ILO | International Labour Organization |
| INSTRAW | United Nations International Training and Research Institute for the Advancement of Women |
| NGO | Non-governmental organization |
| OHCHR | Office of the United Nations High Commissioner for Human Rights |
| PAHO | Pan-American Health Organization |
| SAARC | South Asian Association for Regional Cooperation |
| SADC | Southern African Development Community |
| UNAIDS | Joint United Nations Programme on HIV/AIDS |
| UNDP | United Nations Development Programme |
| UNESCO | United Nations Educational, Scientific and Cultural Organization |
| UNFPA | United Nations Population Fund |
| UN-HABITAT | United Nations Human Settlements Programme |
| UNHCR | United Nations High Commissioner for Refugees |
| UNICEF | United Nations Children's Fund |
| UNICRI | United Nations Interregional Crime and Justice Research Institute |
| UNIFEM | United Nations Development Fund for Women |
| WBI | Women's Budget Initiative |
| WCLAC | Women's Centre for Legal Aid and Counselling |
| WHO | World Health Organization |
| WOM | Women's Organization of Moldova |

Notes on Table of Worldwide Legislation on Violence Against Women

1. This table identifies the specific legislative provisions concerning VAW around the world. Laws can prohibit VAW in the following ways:
 - Through specific legislation (i.e. an Act dealing with sexual harassment or a VAW Act that covers many forms of VAW).
 - Through non-specific legislation that contains specific provisions dealing with VAW (i.e. a Penal Code with specific provisions on rape).
 - Through non-specific legislation that contains provisions that could be used to address VAW (i.e. a Penal Code with provisions for assault that could be used to prosecute rape).
2. This table marks only the first two ways. Criminal legislation such as the penal or criminal code of almost every country prohibits assault in some form and could be used to prosecute any case of violence against women, given a conducive legal environment, skilled lawyers and a receptive judiciary. In some countries general assault provisions have been proven inadequate to address the widespread violence against women that exists, whereas in others (e.g. Finland) general assault legislation is used to successfully address all cases of VAW.
3. A zero (0) denotes either that information was not readily available or that legislation does not exist.
4. Where legislation — specific or non-specific — is ‘being planned, drafted, reviewed or revised,’ this is not necessarily an indication that no laws currently exist. In some cases, existing provisions are being augmented or amended.
5. Where there is both specific and non-specific legislation covering a form of VAW, only the specific legislation is indicated.
6. Where specific legislation exists to address VAW, this does not necessarily indicate: that a country has a lower or higher incidence rate of VAW; that fewer or a greater number of cases are reported or prosecuted; or that the country has a better or worse legal system for addressing concerns of VAW.
7. The existence, or lack of, comprehensive legislation dealing with VAW does not necessarily indicate that the socio-cultural attitudes of the population are prohibitive of VAW. Prohibiting VAW in law should only be one component of a comprehensive strategy for reducing VAW worldwide. Another component might be a government action plan. There are many other vital components that have not been included here.
8. Where specific or non-specific legislative provisions exist that deal with VAW, this does not indicate that they are implemented or enforced effectively. Most cases of VAW worldwide go unreported, and those that are reported do not necessarily result in successful prosecutions.
9. The category ‘sexual assault’ covers various forms of rape and sexual assault. The structure of the table means that if legislation exists to deal with one form of sexual assault, then a mark will show against the whole category. There might be legislation dealing with strictly defined forms of rape but not other forms of sexual assault.
10. In many countries customary law, communal law, religious law (such as Shari’a) or cultural prohibitions are used to prohibit and address cases of VAW. These laws and practices have not been tabulated here; they may be equally, more or less effective than formal legislation.
11. The category ‘marital rape’ indicates only those countries where marital rape has been criminalized. Rape laws may cover rape de jure, but not de facto. In other cases there are no explicit exemptions of wives from statutory law that prohibits or punishes forms of violence and sexual assault and so it may be used to prosecute husbands (See CHANGE 2002).
12. Legislation on trafficking in human beings is not included in this table. Many countries have provisions in criminal legislation that address or could be used to prosecute certain aspects of trafficking, such as kidnapping, slavery, illegal transport of persons across borders for purposes of prostitution, etc. Such legislation may be limited to trafficking for purposes of prostitution or may take a more holistic approach to the issue, providing for public awareness and legal rights for women who have been trafficked. Countries that have specific legislation include, among others, Bulgaria, Cambodia, Cyprus, Ireland, Romania, Sweden and the United States.