



GENDER-BASED VIOLENCE AND SEXUAL EXPLOITATION

CHAPTER 3

Women's exposure to violence increases their exposure to HIV/AIDS. Women can become infected as a result of sexual assault or coerced sex, and the abrasions and tearing that can accompany these violations increase the chance of infection. Violence and the fear of violence may intimidate women from trying to negotiate safer sex, discussing fidelity with partners or leaving risky relationships. The problem is acute in conflict, post-conflict and refugee situations, where women and girls are subjected to high rates of sexual assault.

The sexual exploitation of women and girls also increases the likelihood of infection. Vulnerability is extremely high in coercive situations such as trafficking for prostitution and child prostitution, where women and girls have little power to insist on condom use or otherwise control the terms under which sex takes place. Women may be forced to sell sex for survival, especially in regions where the pandemic or armed conflict has devastated economies and impoverished families. Employers may try to exact sexual services in exchange for job security. Criminalization and punitive measures taken by the State against women employed in prostitution drive the industry underground, making their working conditions more dangerous and violent, and impeding their access to prevention methods, treatment and care. When a State does provide treatment or care, it is often coercive. Sex workers may be forcibly detained in rehabilitation centres and subjected to medical programmes against their will. Trafficked women may be coercively tested and deported.

The pandemic has introduced further gender-based violence, as women who are HIV positive or who are perceived to be positive, such as sex workers, are subjected to discriminatory treatment, abandoned and shunned by their families and communities, dismissed from employment, assaulted and even killed. It is women,

Successful programmes to stop the spread of HIV in the context of sex work may need to take economic concerns into account while working with brothel owners, clients and sex workers. Thailand's 100% condom programme, first implemented in 1991, mandates condom use with all customers in all brothels. This has prevented brothels from competing for customers who want condom-free service, and helped raise condom use from 15% (1989) to over 95% (1997). The programme is being exported to nearby countries, including Cambodia, the Philippines, and Vietnam.

Source: UNAIDS 2001, Gender and AIDS Almanac

rather than men, who are most likely to be blamed as vectors of the pandemic and stigmatized as promiscuous for contracting the disease. To avoid potentially serious repercussions, women may fail to access prevention information, testing and treatment, and fail to take the necessary steps to prevent spreading the disease to family members.

RESPONDING WITH CEDAW


The Women's Convention directs measures to combat these problems, in particular through its articles on trafficking and the exploitation of prostitution, and on equality in employment, and the CEDAW Committee's General Recommendations on violence against women, women and health, and HIV/AIDS.

There is a wide range of actions States parties may be required to take to counter gender-based violence and sexual exploitation in connection with the HIV/AIDS pandemic. Laws and programmes may need to be established to prevent violence against women within families and communities, including marital rape, sexual assault and the sexual abuse of children. Armed forces and peace-keeping missions need to receive training on the right of women and girls to be free from sexual violence. Effective prohibitions against trafficking and child prostitution must be in place, and recovery and rehabilitation efforts must include HIV/AIDS treatment and counseling. Laws that criminalise or penalise commercial sex workers need to be reviewed, measures taken to protect them from violence, and HIV/AIDS prevention information and treatment must be made available to them without coercion or penalty. Greater economic opportunities must be made available to women and girls, so that they have alternatives to trading sex for survival. Public education campaigns may be required to counteract discriminatory stigma against HIV positive women.



WHAT THE CONVENTION SAYS

- In its General Recommendation on **violence against women**, the CEDAW Committee recognizes gender-based violence as a form of discrimination against women which impairs or nullifies women's enjoyment of their human rights, including their rights to life and to the highest attainable standard of physical and mental health. The Committee notes that States parties have an obligation to **take positive measures** to eliminate discrimination against women, and that they are **responsible for private acts of violence** if due diligence is not exercised to prevent and punish them.
- The Committee also recommended that States parties take appropriate and effective measures to overcome this violence, whether committed by public or private actors. It recommended in particular that States parties ensure that **laws against family violence and abuse, rape and sexual assault** give adequate **protection to all women**, that appropriate protective and support services be provided, and that judicial and law enforcement officials receive gender-sensitive training.
- Article 11 requires States parties to take all appropriate measures to eliminate discrimination against women in the field of **employment**. In its General Recommendation on violence against women the CEDAW Committee recognized **sexual harassment, including sexual demands**, as constituting a health problem and as discriminatory when it threatens disadvantage in connection with employment.
- Article 6 requires States parties to take all appropriate measures, including legislation, to **suppress all forms of traffic in women and exploitation of prostitution** of women.

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- In its General Recommendation on violence against women, **the CEDAW Committee recognized that poverty and unemployment** increase opportunities for trafficking in women and sex tourism, and that poverty and unemployment force many women, including young girls, into prostitution. **Armed conflict situations** were also recognized as leading to increased prostitution, trafficking in women and sexual assault of women.
 - As well, in the General Recommendation on women and health, the Committee has recommended that States parties ensure adequate **protection and health services**, including trauma treatment and counselling for **women trapped in situations of armed conflict and women refugees**.
 - The Committee has recommended, in its General Recommendations on women and health and on violence against women, that States parties take **protective and rehabilitative measures for women engaged in prostitution and women subject to trafficking**. It has noted that the marginalized and sometimes unlawful status of prostitutes makes them **vulnerable to violence** at the hands of State and non-State actors, and that they need the equal protection of laws against rape and other forms of violence. The Committee has also noted the **particular vulnerability of prostitutes to HIV/AIDS**, and has stated that States parties should ensure, without prejudice or discrimination, the right to **sexual health information, education and services for all women and girls**, including those who have been trafficked, even if they are not legally resident in the country.
 - In its General Recommendation on HIV/AIDS, the CEDAW Committee has requested that States parties report on the actions they have taken to prevent **specific discrimination against women in response to HIV/AIDS**.